

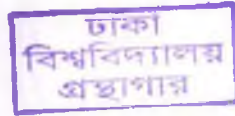
**CONFLICT IN WESTERN SAHARA AND ROLE OF UNITED NATIONS
(UN) PEACE KEEPING MISSION WITH PARTICULAR EMPHASIS IN
CREATION OF SAHRAWI ARAB DEMOCRATIC REPUBLIC (SADR)**

A thesis submitted to the University of Dhaka to fulfill the requirement for the
degree of

Registration no-331/Year 2003-04

**Master of Philosophy
of
University of Dhaka**

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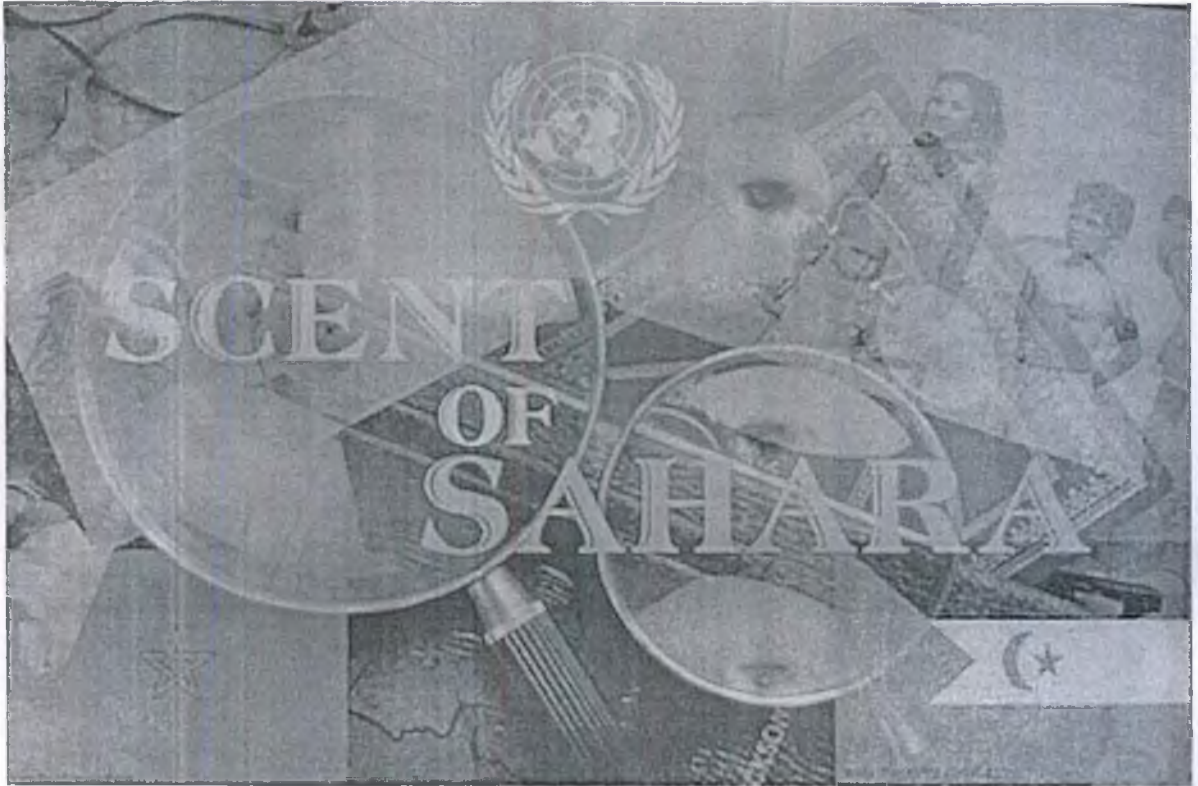
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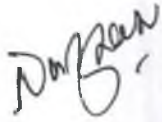
**“There is no greater sorrow on earth
than the loss of one's native land”**

ঢাকা
বিশ্ববিদ্যালয়
গ্রন্থাগার

Euripides, 431 BC

CERTIFICATE

This is to certify that, Kawser Ahmed (registration no -331) has completed his M.Phil thesis on “**Conflict in Western Sahara and role of United Nations (UN) peace keeping mission with particular emphasis in creation of Sahrawi Arab Democratic Republic (SADR)**” under my direct supervision. This is his original work. This thesis or any part of it has not been submitted anywhere for publication.



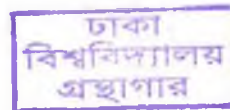
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DEDICATED TO

My **Mother** and her unwavering support who could not live up to my completion of the thesis and who always cherished her son to have the highest academic qualification and those **Saharawi** people whose dreams are yet to be fulfilled.

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PREFACE

The story of the Africa's last colony is heart rendering to listen and will draw any listener to perfect abhorrence of its perpetrators. I was carrying out a research in 2001, when the story was unfolding before my eyes. My field research was completed in December 01 and hence my journey began in search of a solution than not only I could visualize but also might be relevant to the parties in conflict. With this aim in the background, I set on collating my materials over a period. This is sort of 'little off the track topic', which is seldom ventured in our present day context in Bangladesh, but my passion knew no bound. My intention is to bring the thin lines on the Saharan sand to the visible eyes which would remind us that, people are brutally oppressed elsewhere and we all have a moral responsibility. My research was challenging and rewarding in a sense that, I found very little academic materials which can be collected for such a study and hereby had to rely mostly on my notes and personal interactions that took place with the parties in conflict. I was determined from the beginning to undertake some sorts of research on this topic but it was rather a stroke of luck that I am being able to do it finally here in Bangladesh.

Colonization and its stigma have lost its value from most of the continents of our world except some unrecognized territories of Africa. W. Sahara is one such place - a former Spanish colony that hugs the Atlantic Ocean south of Morocco, and one of the most desolate places on earth. After decolonization and leaving behind some disputed and controversial questions by Spain, the vacuum was quickly filled up by neighbouring countries e.g. Morocco, Algeria and Mauritania. Within this flux of events everyone had forgotten the miserable and hapless nomadic indigenous people who belonged to this place. They remained to be ignored in the expanse of geo-political or geo-economical importance. Virtually all food is imported, and temperatures can go from below freezing at night in winter to above 130 degrees in summer, with seasonal winds propelling an incessant barrage of sand. Only 0.02 % of W. Sahara's land is arable, and the sole known resources are phosphates and iron ore, which are extracted from mines on the opposite side of the country.

When Spain abruptly pulled out of the colony as Generalissimo Francisco Franco lay dying in 1975-76, both Morocco to the north and Mauritania to the east invaded. Half the population fled to Algeria, which offered strong support for the Polisario (the armed faction that waged war against occupation). Refugees in the "temporary" camps-initially almost all women, children, and the elderly-have been fed and sheltered for more than 30 years by international aid agencies. An asymmetrical war raged for 15 years. The Polisario-made up of independence fighters from a linguistic group called the Sahrawi--engaged a much larger Moroccan army, which gradually erected a 2,500-mile wall to isolate the guerillas in the eastern desert. Mauritania withdrew early from the fight, but King Mohammed VI of

Morocco pledged "we shall not give up one inch of our beloved Sahara, not a grain of its sand." In 1991, the United Nations brokered a ceasefire, promising the Sahrawi a referendum on the future of the territory, but the plan has foundered. Today, an intifada is steadily growing inside the Moroccan-controlled areas. An anti-compromise "reform" faction, committed to "all the homeland or martyrdom," has arisen within the Polisario, which has been led by Mohammed Abdelaziz (the self-declared leader of the Polisarios). There appears to be little interest in deal making. The refugees would "rather live in their self-made exile than return to an uncertain future in a Moroccan W. Sahara."

The human cost of the conflict is taking its toll in the refugee camps and the 2nd generation of Sahrawis (the indigenous people of the land) is growing in an environment of deprivation, injustice and with unrecognizable identity. The greed of the so-called civilized super powers also compounded the issue. All eyed down to this land to derive maximum profit in exchange of the populace that ought to live in. The international intervention by the supreme agency, UN, from 1991 now seems to be a face saving one. All other agencies are also losing their hope fast to resolve the conflict. Now occupation by Morocco seems to almost legalized as the superpowers are backing their demand often more in a subtle way. The only hope, which is being survived, is the will of the Sahrawi people who vowed not to join Morocco as a confederate till now. However, the question of solving this conflict remains in the dossiers and high profile visits by the negotiators but some tangible and real solutions are yet to come forth.

The inspiration, which worked behind this research, is the helpless faces of millions of Sahrawis who encouraged me through their words, dreams and hopes. However, I left the land much early but still the journalists in exile (in Algeria) keep me posted on the latest developments. The situation though appears to be hopeless but I always believe that there is silver lining behind every clouds. May be this humble effort would be able to throw some light on this conflict and suggest some practical solutions which if adopted might bring peace to this land. I strongly believe that peace is not elusive always; it can be brought into reality provided we all join our hands in goodwill and with an open mind.

May peace prevail on earth and may peace prevail on Western Sahara.

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ACKNOWLEDGEMENT

While researching this topic, it was a pleasant experience to discover the worn out pages of my memory and recollect all the missing links that had been kept away so long. Geographically this land is far away from Bangladesh and hardly has any similarity with the custom and culture but then what has led me to undertake such an effort? I view the answer from two perspectives. One; it is possible to study and put forward some recommendations for resolving a conflict, if you can view this from a third party neutral perspective. The other is being able to merge with sorrows and pains of the victims of the conflict, which will give you necessary emotional drive or passion to carry out the research. It also gives you an advantage by which you get some opportunity to serve the humanity. The final aspect of my passion is of course to bring the Africa's forgotten war to the attention of many.

During my research, the acknowledgement naturally goes to my supervisor, Dr. Dil Rowshan Zinnat Ara Nazneen, Department of Political Science (presently) who encouraged me to undertake the research from the very beginning. She also highlighted many aspects of the research, which might have remained unnoticed.

I am also indebted greatly to various UN and NGOs of numerous countries that supported me during my research and extended their hands to collect and collate data. I also thank the UN mission in Western Sahara (MINURSO) to extend their wholehearted support in arranging various interviews with the parties and various agencies.

Last but not the least, I am grateful to all those Polisario fighters who fondly used to call me 'Ahmed' and welcome me where they usually obstructed French and US nationals. My full time companion, the interpreter and liaison officer 'Maluwa' (a Polisario) deserves special thanks as he arranged my interviews in Tindouf, Algeria with lots of difficulty. His mental support and long-term communication still are attached to my heart without which it could have been almost impossible to undertake such a task.

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GLOSSARY OF ABBREVIATIONS AND ACRONYMS

AMDH Moroccan Association of Human Rights (Association marocaine des droits de l'homme)

AMU Arab Maghreb Union

ARSO Association for a Free and Fair Referendum in the Western Sahara (l'Association de soutien à un référendum libre et régulier au Sahara Occidental)

CORCAS Royal Consultative Council on Moroccan Affairs (Conseil royal consultatif des affaires marocaines)

CRS Sahrawi Red Crescent (Croissant rouge Sahraoui)

CMI Compagnies Mobiles d'Intervention [Mobile Intervention Units]*

DST Direction de Sécurité du Territoire [Directorate of Territorial Security]

ECHO European Community Humanitarian aid Office

FA Forces Auxiliaires [Auxiliary Forces]

FAR Royal Armed Forces

FLN National Liberation Front

GIR Groupes d'Intervention Rapide [Rapid Intervention Groups]

GPRA Provisional Government of the Algerian Republic (Gouvernement provisoire de la République algérienne)

GSPC Salafist Group for Preaching and Combat

GUS Groups Urbains de Sécurité [Urban Security Groups]

ICJ International Court of Justice

MINURSO UN Mission for the Organisation of a Referendum in Western Sahara Polisario Front Popular Front for the Liberation of Saguía el Hamra and Río de Oro (Frente Popular de Liberación de Saguía el Hamra y Río de Oro)

RG Renseignements Généraux [Intelligence Service]

SADR Sahrawi Arab Democratic Republic

UNHCHR UN High Commissioner for Human Rights

UNHCR UN High Commissioner for Refugees

UNMAS UN Mine Action Service

USFP Socialist Union of Popular Forces (Union socialiste des forces populaires)

UXO Unexploded ordnance

WFP World Food Programme

* Translations listed in square brackets are unofficial.

EXECUTIVE SUMMARY

On Africa's Atlantic coast, at the western extremity of the Arab world, lies Western Sahara, site of Africa's longest post-colonial war. While over one billion people have been successfully decolonized over the past 50 years, Western Sahara is still recognized by the international community as a non-self-governing territory. Just prior to the scheduled end of Spain's colonial administration in 1976, the territory - then known as Spanish Sahara - was partitioned between Morocco and Mauritania. This came despite the landmark October 1975 decision by the International Court of Justice, which upheld the right of the people of Western Sahara to self-determination in the face Morocco's irredentist claims. Spain had promised the country independence, but pressure from Morocco forced the Spanish government, in the midst of its own delicate transition period to democratic rule, to back away from its commitment. Instead, in November 1975, Spain signed the Madrid Accords, which granted Morocco administration of the northern two-thirds of the colony and Mauritania the remainder. In the same year, Morocco annexed the land militarily and pushed in a large number of Moroccan settlers from its southern territory. Frente Polisario (the armed resistance movement organized by Sahrawis) took up arms and there resumed an armed conflict resulting in a ceasefire in 1991. UN deployed a field mission named UN Mission for the referendum of Western Sahara (MINURSO) following this armistice. But the promised referendum could not be held till now. France and the United States have blocked the Security Council from enforcing its resolutions to bring peace. Both countries have perceived a need to strengthen the Moroccan monarchy as a bulwark against Communism and radical Arab nationalism during the Cold War and, in more recent years, as an important ally in the struggle against Islamist extremism. UN's mandate of resolving the conflict through a referendum by identifying the indigenous people's decision regarding their choice of either joining the Moroccan domination or founding an independent Republic (SADR) yet remained to be fulfilled. The ongoing conflict between Morocco and the Western Sahara nationalists, led by the Polisario Front, has resulted in enormous suffering by the Western Saharan people, over half of whom live in refugee camps in neighboring Algeria. It has seriously crippled efforts to advance badly needed economic and strategic cooperation between the states of the Maghreb region facing challenges from struggling economies and rising Islamist militancy.

Given this backdrop, this research had been carried out and research report is organized in following chapters:

In Chapter 1, Introduction of the study was made. Subsequently aim, objective, study area, limitations and scope of the study are elaborated.

In Chapter 2, Review of the Literature has been elaborated.

In Chapter 3, Research Methodology has been discussed.

In Chapter 4, Research finding and analyses have been done.

In Chapter 5, Conclusion has been discussed where necessary suggestions / recommendations are made.

significant player of the conflict is UN which is deployed in the conflict zone from 1991. The study endeavours to cover the various aspects of the UN's effort for ceasefire and conflict resolution keeping in mind the overall ramification in drawing plausible conclusions. The conflict has been put now in a state of 'Status Quo' which is found to be advantageous for the parties involved in conflict but marginalising and original victims of the land – the Sahrawis. Though marginalised but Sahrawis have their political platforms to voice their demands named as SADR but for many reasons this state in exile could not become functional. As seen in most of the conflicts, the more popular they are the more is the publicity hereby the gains. In this case, the conflict is less publicised and thereby its causes are less heard. In the study, the conflict itself has been taken and dependent variable where the roles of UN and SADR have been considered as independent variables as both are important to evaluate the future of conflict resolution approach and overall peace in the Maghreb region. However, the efforts and strategies undertaken by African Union does not fall within the scope of this research alongwith the initiatives undertaken by various NGOs and smaller entities working for preserving human rights in the occupied region.

1.1.3 Limitations of the Study. To achieve the purpose of the study, data were collected mainly from the area of operation of the UN mission in Western Sahara (266,000 sq km). In addition, the three neighbouring countries were also studied to draw rational conclusions. The methodological approach to this research is designed mainly as qualitative in nature, based on qualitative and quantitative data analysis. Following are the limitations appeared to the researcher:

- Inaccessibility to the Moroccan authority except the Moroccan Army stationed in Western Sahara.
- Inaccessibility to French and US authorities and UN high officials in New York.
- Inaccessibility to Algerian high officials.
- The study is limited by the size of the sample of Sahrawi population only.
- Language remained to be an obstacle of interpretation of data. The interviews and surveys were carried out with the help of interpreters.
- From Feb 2002 till to date, observation and data collection were based on secondary sources only.

These constraints mentioned above narrowed the scope of accurate analysis to some extent. Provided these problems were overcome, the report could have been more wholesome and useful. However, no stone was unturned to fill the gaps of the data acquisition by reasonable assumptions and extensive monitoring of conflict using secondary sources.

1.1.4 **Structure of the Study.** The study report has been organised in five chapters as enumerated below. The chapters are:

- **Chapter 1** : The title of the Chapter is 'Introduction'. In this chapter study area, scope of the study, limitations of the study have been elaborated.
- **Chapter 2** : The title of the Chapter is 'Review of Literature'. The geopolitical orientation and history of Western Sahara, study of the conflict, peace process initiated by United Nations (UN) and various agencies, the cost of the conflict, the quest for a conflict resolution approach in Western Sahara, have been appended in this chapter.
- **Chapter 3** : The title of the Chapter is 'Research Methodology'. In this part of the study, methods of data collection, primary, secondary sources of data and its processing and analyses, report of the field works, data collection and research questions of the study have been explained.
- **Chapter 4** : The title of the Chapter is 'Research Findings and Analysis'. In this chapter the findings of the research alongwith analyses have been enumerated.
- **Chapter 5** : The title of the Chapter is 'Conclusion'. In this chapter, summary of the findings, suggestions/recommendations, implications of the study for further research was discussed.

End Notes:

¹ . The Sahara has an intermittent history that may go back as much as 3 million years. Some of the sand dunes can reach 180 meters (600 ft) in height. The name comes from the Tuareg language word *Tenere*, which means "the desert". Translated into the Arabic it gave Sahara "desert": (صحراء), "Ṣaḥrā"

² . The Neolithic (from Greek νεολιθικός — neolithikos, from νέος neos, "new" + λίθος lithos, "stone") or "New" Stone Age, was a period in the development of human technology beginning about 10,000 B.C. in the Middle East that is traditionally the last part of the Stone Age.

³ . Hanno the Navigator (also known as Hanno II of Carthage) was a Carthaginian explorer c. 500 BC, best known for his naval exploration of the African coast.

⁴ . The Garamantes were a Saharan Berber-speaking people who used an elaborate underground irrigation system, and founded a kingdom in the Fezzan area of modern-day Libya, in the Sahara desert. They were a local power in the Sahara between 500 BC and 500 AD. Zenata were Garamantes. There is not much information about the Garamantes, not even the name they used to call themselves; Garamantes was a Greek name which the Romans later adopted.

⁵ . The Sahel or Sahel Belt (from Arabic ساحل, saḥl, shore, border or coast of the Sahara) is a semi-arid tropical savanna ecoregion in Africa, which forms the transition between the Sahara to the north and the slightly less arid savanna belt to the south, known as the Sudan.

⁶ . The Mahdist War was a colonial war of the late 19th century. It was fought between the Mahdist Sudanese and the Egyptian and later British forces. It has also been called the Anglo-

Sudan War or the Sudanese Mahdist Revolt. The British have called their part in the conflict the Sudan Campaign.

⁷ . A paper presented in one of the conventions of the SADR, 'THE SAHRAWI REPUBLIC: SACRIFICES AND DETERMINATION', on February 27, 2001, in the exiled land of Algeria.

Chapter 1

INTRODUCTION

Introduction

In its simplest form, conflict refers to the pursuit of incompatible goals by individuals or groups and conflict situations arise when individuals or groups identify a goal they want to secure in order to satisfy material interests, needs or values. When these perceptions lead to actions that come up against the interests, needs and values of others, a conflict dynamic occurs. This definition suggests a broader span of time and a wider class of struggle than just armed conflict. Given this backdrop of the definition of conflict, let's have a brief background of the history of Sahara where Western Sahara is a small part only (266,000 sq km 103,000 sq miles. The Sahara¹ (Arabic: **الصحراء الكبرى**, aḥ-ḥarā' al-kubra, "The Great Desert") is the second largest desert on Earth after Antarctica, and it is the world's largest hot desert. At over 9,000,000 square kilometers (3,500,000 sq mi), it covers most of Northern Africa, making it almost as large as the continent of Europe. The desert stretches from the Red Sea, including parts of the Mediterranean coasts, to the outskirts of the Atlantic Ocean. The Sahara is divided into western Sahara, the central Ahaggar Mountains, the Tibesti Mountains, the Air Mountains (a region of desert mountains and high plateaus), Tenere desert and the Libyan desert (the most arid region). The earliest human history records that in 6000 BC when pre-dynastic Egyptians in the southwestern corner of Egypt were herding cattle and constructing large buildings. Then arrived the Nubians in the Neolithic² age who concentrated in agricultural revolution and domestication of animals. The peoples of Phoenicia, who flourished in 1200-800 BC, created a confederation of kingdoms across the entire Sahara to Egypt. They generally settled along the Mediterranean coast, as well as the Sahara, among the peoples of Ancient Libya, who were the ancestors of peoples who speak Berber languages in North Africa and the Sahara today, including the Tuareg of the central Sahara.



Sahara by NASA World Wind

Sometime between 633 BC and 530 BC, Hanno the Navigator³ either established or reinforced Phoenician colonies in Western Sahara, but all ancient remains have vanished with virtually no trace. By 500 BC, a new influence arrived in the form of the Greeks. Greek traders spread along the eastern coast of the desert, establishing trading colonies along the Red Sea coast. Later appeared the urban civilization period where the Garamantes⁴ arose around this time in the heart of the Sahara, in a valley that is now called the Wadi al-Ajal in Fazzan, Libya. Following the Islamic conquest of North Africa in the 7th century CE, trade across the desert intensified. The kingdoms of the Sahel⁵, especially the Ghana Empire and the later Mali Empire, grew rich and powerful exporting gold and salt to North Africa and Trans Saharan routes were discovered. Then ushered the era of European Imperialism. At the beginning of the 19th century, most of the northern Sahara, including most of present-day Algeria, Tunisia, Libya, and Egypt,

was part of the Ottoman Empire. The Sahel and southern Sahara were home to several independent states. European colonialism in the Sahara began in the 19th century. France conquered Algeria from the Ottomans in 1830, and French rule spread south from Algeria and eastwards from Senegal into the upper Niger to include present-day Algeria, Chad, Mali, Mauritania, Morocco (1912), Niger, and Tunisia (1881). Egypt, under Muhammad Ali and his successors, conquered Nubia (1820-22), founded Khartoum (1823), and conquered Darfur (1874). Egypt, including the Sudan, became a British protectorate in 1882. Egypt and Britain lost control of the Sudan from 1882 to 1898 as a result of the Mahdist War⁶. After its capture by British troops in 1898, the Sudan became an Anglo-Egyptian condominium.

Spain captured present-day Western Sahara after 1874. In 1912, Italy captured Libya from the Ottomans. Spain colonized it from 19th century and while leaving the land kept a series of disputed issues. It also deliberately ignored the issue of self determination and left the place with a promise of referendum. This promise ultimately did not see light. The kingdom of Morocco, generously supplied with American-made weapons, then invaded this largely desert nation – then known as Spanish Sahara which ultimately resulted into armed resistance by the Frente POLISARIO (Frente Popular para la liberacion Saguia el-Hamra y del rio de Oro (the movement by the indigenous Sahrawi people) and a mass exodus of refugees in the neighbouring Algeria. Finally, the declaration came on February 27, 1976, claiming a total land area of 284,000 sq km (western part of Sahara) as an independent state named, ‘The Sahrawi Arab Democratic Republic (SADR)’ with the active support of Algeria. More than 75 nations have recognized the government-in-exile of Western Sahara, led by the nationalist Polisario Front, and it is a full member state of the African Union (AU). It has controlled much of the territory ever since. This occupation both militarily and politically by Morocco left the indigenous Sahrawi nomadic people stuck into two places with their identity unknown. The exodus also resulted into a large scale humanitarian crisis. Especially, the inception and later the declaration of western part of Sahara as an independent state in exile was a bone of contention for Morocco as it never wants a political recognition of the Sahrawi cause. All the big three neighbours (Morocco, Algeria and Mauritania) thus embroiled into this conflict making it a territory often referred to as ‘The Last Colony of Africa’.

A series of resolutions by the United Nations Security Council (UNSC) and the UN General Assembly (UNGA), as well as a landmark 1975 advisory ruling by the International Court of Justice (ICJ), have recognized the right of self-determination by the people of W. Sahara. However, France and the United States have blocked the Security Council from enforcing its resolutions. Both countries have perceived a need to strengthen the Moroccan monarchy as a bulwark against Communism and radical Arab nationalism during the Cold War and in more recent years, as an important ally in the struggle against Islamic extremism. UN’s mandate of resolving the conflict through a referendum by identifying the indigenous people’s decision regarding their choice of either joining the Moroccan domination or founding an independent Republic (SADR)

yet remained to be fulfilled. Under the influence of Morocco aided by France and US for their interest in exploiting the land coupled with UN bureaucracy, the farfetched Referendum and its subsequent processes got stalled. The ongoing conflict between Morocco and the Western Sahara nationalists, led by the Polisario Front, has resulted in enormous suffering by the Western Saharan people, over half of whom live in refugee camps in neighboring Algeria. It has seriously crippled efforts to advance badly needed economic and strategic cooperation between the states of the Maghreb region facing challenges from struggling economies and rising Islamist militancy. The carrying forward of such a conflict gave rise to two fold problems; the refugees were stuck both in Algeria and Morocco and a continuous occupation is going on in the greater part of Western Sahara by Morocco.

Thus the fiasco lingered due to the role of UN being mere a spectator and kept on extending the mandate without any clear end in sight. During the quarter century celebration of SADR⁷ in 2001, the strong determination of the Sahrawi people once again was reiterated which reminded the world community that, apparently though it was a land to be forgotten but now it lies on immense source of turmoil which might end up into anarchy. The Bush administration and a bipartisan group of congressional leaders have enthusiastically supported the Moroccan autonomy plan recently which further confounded the issue as a means of ending the conflict. But Morocco's plan for autonomy falls well short of what is necessary to bring about a peaceful resolution to the conflict. It also poses a dangerous precedent that threatens the very foundation of the post-World War II international legal system. The research undertaken will hereby explain the conflict of Western Sahara in details with particular emphasis on the role of United Nations (UN) to resolve the conflict. In doing so, a special consideration will be rendered to the creation and sustainability of Sahrawi Arab Democratic Republic (SADR) – the indigenous effort for self determination of the people of Western Sahara.

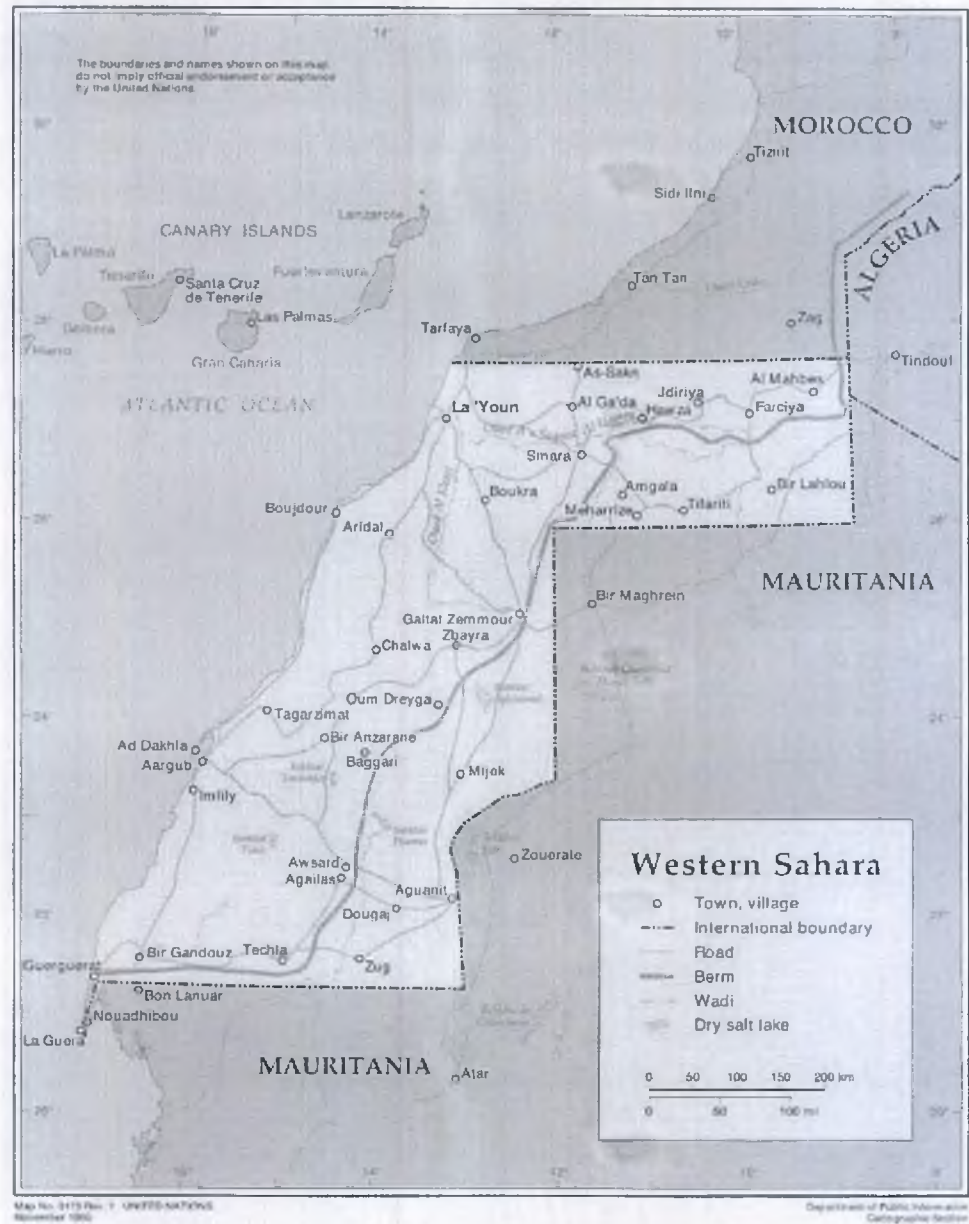
1.1 Aim and Objectives of the Study.

The aim of this research is to analyse the conflict in Western Sahara in details and the role of UN while recommending measures to resolve the conflict with particular emphasis on the creation of SADR towards the fulfillment of the aspiration of indigenous Sahrawi people. Because of the various dimensions of the conflict, following aspects were researched:

- The geopolitical orientation of Western Sahara where the seed of this conflict was sown.
- The conflict in details highlighting the geo-political, socio-economic and military aspects.
- The political landscape over which the conflict grew.
- The peace process initiated by UN and various agencies – its ramifications, effectiveness and outcome.
- The cost of the conflict and latest developments – various dimensions and consequences and finally
- The conflict resolution approach to resolve the conflict.

1.1.1 **Study Area.**

The area of study is restricted to the north western part of African continent (further restricted to the countries of Morocco, Algeria, Mauritania commonly known as a part of Maghreb) with particular focus on western part of Sahara (Western Sahara) where SADR claims it sovereignty.



1.1.2 **Scope of the Study.** This study was carried out in Western Sahara for a period of six months while the researcher was performing an UN peacekeeper. Though the researcher worked as a peacekeeper but the responsibilities included a wider traveling and interactions with other UN bodies and organisations working in there. The scope of the study thus covers the three North African countries (e.g. Morocco, Algeria and Mauritania) involved in this conflict who all are still active in drawing favourable gains in terms of the natural resources and geo-political advantages. However the most

Chapter 2

REVIEW OF LITERATURE

Review of Literature

From the beginning of 2002 till to date, hardly any change took place in the magnitude and settlement of the conflict. Only the population increase and various UN initiatives were undertaken but no effective resolution had been materialized. In this regard, over a period of time, UN resolutions/reports had been scrutinized (e.g. Report of the Secretary General on the situation concerning, Western Sahara - 14 April 2008 to UN Security Council, report of the Secretary-General on the status and progress of the negotiations on Western Sahara - 25 January 2008, resolution 1813 (2008), adopted by the Security Council at its 5884th meeting, on 30 April 2008, Letter dated 26 June 2006 from the Secretary-General addressed to the President of the Security Council etc.). In addition, various web sites monitoring the conflict were also reviewed (e.g. <http://www.arso.org>, <http://www.wfp.org>, <http://www.washingtoninstitute.org>, <http://www.wsahara.net>). However, a book by Tony Hodges, *Western Sahara: The Roots of a Desert War*. (Westport, CT: Lawrence Hill, 1983) had been extensively consulted. However, following aspects had been covered in the review of literature.

2.1 Geopolitical Orientation and History of Western Sahara.

2.1.1 Geographical Orientation.

The Western Sahara, given its name in 1975 by UN, is the last African colonial state. It extends over 285,000 square km of predominantly sandy plains. The Western Sahara's map borders are a result of colonial agreements made between France, Spain and Morocco in 1900, 1904 and 1912. But the sandy Atlantic coast to the West, the Quarkziz and Oued Draa mountain chain to the north and the barren desert to the east and south form natural boundaries to the region. A country profile shows the details of it. While mainly low lying sandy plains the region can be roughly divided into 3 topographical zones:



Location of Western Sahara in Africa

The steep mountainous rocky desert formed by the chain of Atlas Mountains and the hills of Zemmour, forms the north east zone.

- The river basins of the wadi Draa to the north and the Jat to the west where water gather in the depression.
- The 3rd inland zone consists of flat low-lying plains and sand dunes. The ground is too porous for water to retain the autumn rain and too flat to allow it to flow so it accumulates underground in numerous wells.

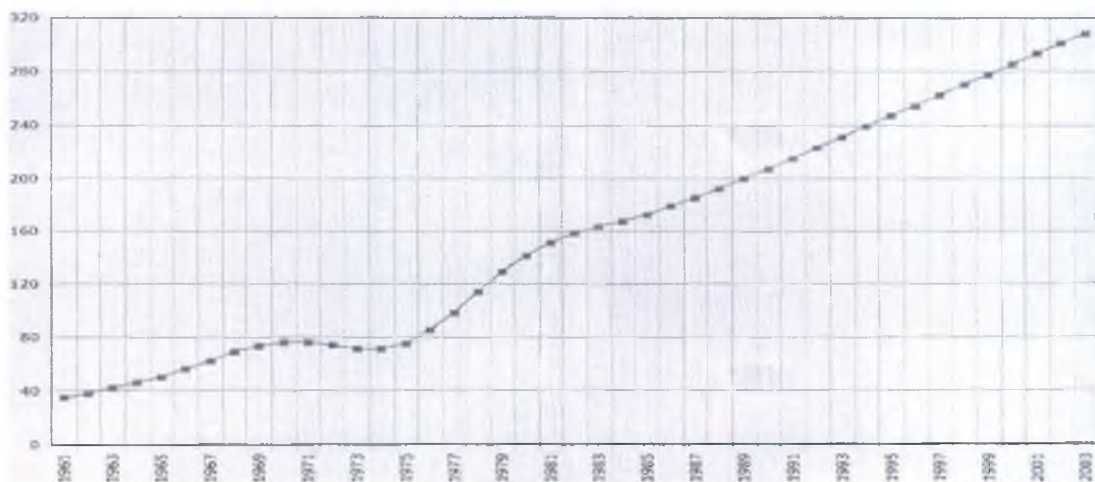


Clouser View of Western. Sahara

It is approximately 1/10th the size of its neighbour Algeria, and one half size of France. It is bordered by Morocco to the North, Algeria to the east and Mauritania to south and the North Atlantic Ocean to the west. The territory is divided into 4 districts: Laayoune, Essamara, Boujdour and Oued Essemara. Part of the Sahara, is extremely arid and is almost entirely covered with stones, gravel and sand. Rocky highlands in the east reach 1560 ft. The main cities are Laayoune (formerly El Aaiun), the capital, Dakhla (formerly Villa Cisneros), Boujdour and Essamara.

2.1.2 **Demography and Census.** The demography is interesting to note here as one of the crucial issues of referendum is based on solving this matter.

2.1.2.1 **Demography of Western Sahara.** The indigenous population of Western Sahara is known as Sahrawis. These are Hassaniya-speaking tribes of mixed Arab-

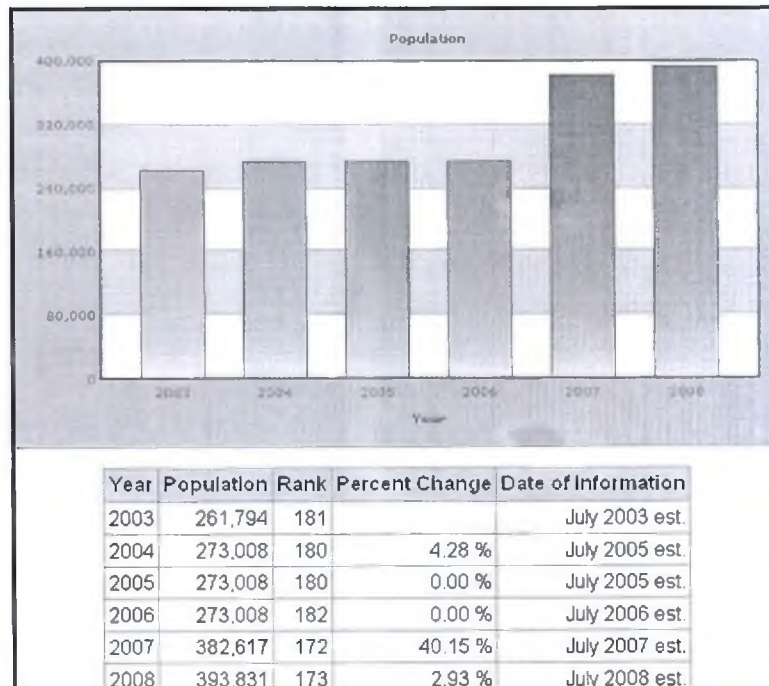


Subject : Evolution of Demography in W. Sahara (1961-2003)

Source : Data FAOSTAT, year 2005 (last updated 11th february 2005)

Berber heritage, effectively continuations of the tribal groupings of Hassaniya speaking Moorish tribes extending south into Mauritania and north into Morocco as well as east into Algeria. The Sahrawis are traditionally nomadic bedouins, and can be found in all surrounding countries. War and conflict has led to major displacements of the population. As of July 2004, an estimated 267,405 people (excluding the Moroccan army of some 160,000) live in the Moroccan-controlled parts of Western Sahara. Morocco has engaged in "Moroccanization" of the area, bringing in large numbers of settlers in anticipation of a UN-administered referendum on independence. While many of them are from Sahrawi tribal groups extending up into southern Morocco, some are also non-Sahrawi Moroccans from other regions. The settler population is today thought to outnumber the indigenous Western Sahara Sahrawis. The precise size and composition of the population is subject to political controversy. The Polisario-controlled parts of Western Sahara are barren. This area has a very small population, estimated to be approximately 30,000. The population is primarily made up of nomads who engage in herding camels back and forth between the Tindouf area and Mauritania.

The area has an infant mortality rate of 18%, an average life expectancy of only 40 years, and a literacy rate that is as low as 15%; coupled with a population growth rate of 2.8%. The majority of the region's population is illiterate and under 20 years of age.



Explanation of the Chart: This entry² gives an estimate from the US Bureau of the Census based on statistics from population censuses, vital statistics registration systems, or sample surveys pertaining to the recent past and on assumptions about future trends. The total population presents one overall measure of the potential impact of the country on the world and within its region.

2.1.2.2 The Spanish Census³ and UN's Accountability by Identification (ID) Commission.

A 1974 Spanish census claimed that there were some 74,000 Sahrawis in the area at the time (in addition to approximately 20,000 Spanish residents), but this number is likely to be on the low side, due to the difficulty in counting a nomad people, even if Sahrawis were by the mid-1970s mostly urbanized. Despite these possible inaccuracies, Morocco and the Polisario Front agreed on using the Spanish census as the basis for voter registration when striking a cease-fire agreement in the late 1980s, hoping on the holding of a referendum on independence or integration into Morocco. In December 1999 the UN's mission (MINURSO) announced that it had identified 86,425 eligible voters for the referendum that was supposed to be held under the 1991 Settlement Plan and the 1997 Houston Accords. By "eligible voter" the UN referred to any Sahrawi over 18 years of age that was part of the Spanish census or could prove his/her descent from someone who was Sahrawi. These 86,425 Sahrawis were dispersed between Moroccan-controlled Western Sahara and the refugee camps in Algeria, with smaller numbers in Mauritania and other places of exile. These numbers cover only Sahrawis 'indigenous' to the Western Sahara during the Spanish colonial period, not the total number of "ethnic" Sahrawis (i.e, members of Sahrawi tribal groupings), who also extend into Mauritania, Morocco and Algeria. The number was highly politically significant due to the expected organization of a referendum on self-determination. The Polisario has its home base in the Tindouf refugee camps in Algeria, and declares the number of Sahrawi population in the camps to be approximately 155,000. Morocco disputes this number, saying it is exaggerated for political reasons and for attracting more foreign aid. The UN uses a number of 90,000 "most vulnerable" refugees as basis for its food aid program. One of the efforts taken by UN was to establish Identification (ID) Commission to hold the referendum as per previous plan. Details of the ID commission are discussed in later chapters.

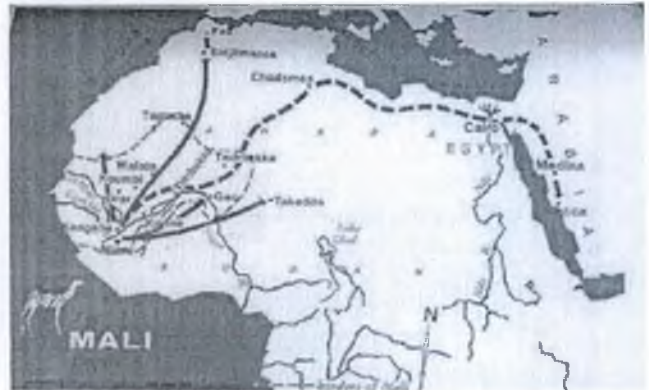
2.1.3 Historical Background. It is imperative to know the historical background of the conflict in order to draw necessary conclusions to resolve the conflict.

2.1.3.1 Early Civilizations in Western Sahara. The history of this land is interspersed with a number of tribes and their continuous migration from one place to other. This is mainly because of the land which is inhospitable.

The Berber Tribal Rule and Spread of Islam. Western Sahara area has never formed a state in the modern sense of the word. Phoenician/Carthaginian colonies established or reinforced by Hanno the Navigator in the 5th century BC have vanished with virtually no trace. The desertification of the Sahara during the "transitional arid phase" ca. 300 BC - 300 AD⁴ made contact with some parts with the outside world very difficult before the introduction of the camel into these areas, from the third century of the Christian era on⁵. The camel was primarily used as a beast of burden. People walked beside them. Also camel's meat, milk and skin were important. The horse, not the camel was the animal that was used in warfare in the period 1000-1500 AD ("the period of horse warriors and conquest states")⁶. Sanhaja Berber nomads are believed to have started migrating into the area of modern-day Western Sahara around 1,000 BC. After the arrival of the camel from the east in AD 50, the Sanhaja periodically controlled the lucrative trans-Saharan trade routes. But from the seventh century they began to experience fierce competition from Zenata Berbers to the north, who eventually took over the trade routes. In the eleventh century, the Sanhaja rose to dominance again with the emergence of the Almoravids (followers of a fervent Islamic movement) who conquered vast swathes of west and North Africa and ruled for a century in southern Spain. The direct descendents of present-day Saharawis represent a fusion between the Sanhaja Berbers and Arab tribes originating from Yemen. Invasions by the Beni Hassan in the fifteenth century led to the gradual domination and Arabization of the Sanhaja.



This gave rise to a new ethnic group called the Beidan or Moors, whose language evolved into Hassaniya. The area they occupied was known as Trab Ab-beidan (the land of the whites), its limits defined mainly by natural barriers such as the Atlantic coast to the west; Ouad or Wad Noun in the north; the Senegal River to the south; and the hostile, barren desert to the east. Before Islam arrived in the 8th century AD, this Berber population inhabited the western part of the Sahara, with the population consisting of nomads in the plains and sedentary populations in river valleys, in oases and in towns like Awdaghust Tichitt, Oualata, Taghaza, Timbuktu, Awlil, Azuki and Tamdult. These nomadic pastoral tribes roamed mainly along Western Sahara's coastal area and developed different political structures from those that largely occupied modern-day Mauritania. The Islamic faith quickly expanded, brought by Arab immigrants, who initially only blended superficially with the population, mostly confining themselves to the cities of present-day Morocco and Spain. Through the Trans Saharan routes, caravans transported salt, gold and slaves between North Africa and West Africa and the control of trade routes became a major ingredient in the constant power struggle between various tribes. On more than one occasion, the Berber tribes of the Western Sahara would unite behind religious leaders to sweep the ruling leaders from power, sometimes founding dynasties of their own. This was the case with the Almoravids of Morocco and Al-Andalus, and was also the case with the jihad of Nasir al-Din in the 17th century and the later Qadiriyyah movement of the Kunta in the 18th century⁷. They did not form emirates as in Mauritania and, when not fighting amongst themselves, regulated their affairs and relations by inter-tribal assemblies like the djemaa or ait arbain (the council of forty). These would meet to organize collective defense and raids, resolve civil disputes, and punish crimes. Primary loyalties were to family, faction, and tribe.

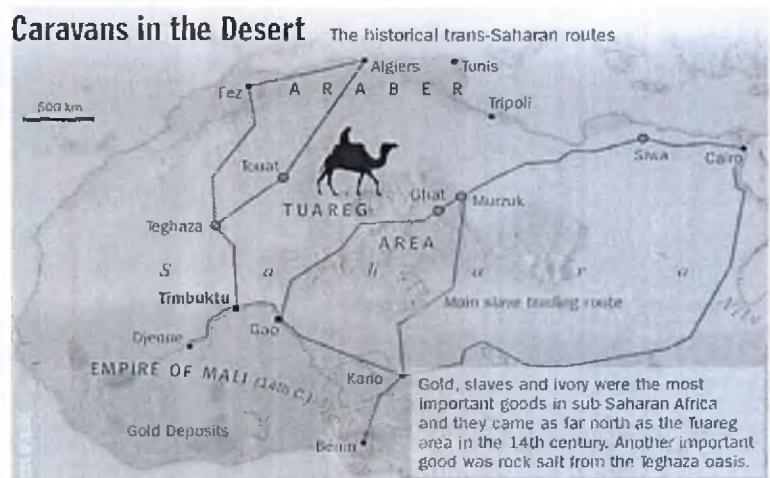


The Trans Saharan Caravans' Routes

By the eighteenth century, a certain degree of stability was introduced into the region of Saguia el Hamra, today's northern part of Western Sahara, when it became known as the 'Land of the Saints'. Smara, the first pre-colonial town, was founded as a sacred centre of learning, attracting people from far and wide in search of religious instruction.

The Almoravids and the Zawiyas. The movement of the Almoravids (1061-1147) in the western part of the Sahara was the expression and the beginning of a complete change of society. An important role in this process was played by the zawiyas⁸. As centers of Islamic education under the supervision of an Islamic scholar, the 'saih', they became centers of new communities. In many tribal groups we see a split when a part of their members distanced themselves from the traditional leading group and formed a zawiya, following the Islamic example. These newly-formed communities separated themselves from traditional, military society. Until then matrilinear ancestry had been important. They stressed the importance of patrilinear ancestry in which they tried to show their descent from the Islamic prophet Muhammad (the Shurfa), his tribe (the Quraysh) or his companions (Ansar). They put spiritual ideals higher than the ideals of battle. They preferred religious influence over military pressure, equal membership over dependency. They were in favour of giving alms and lending cattle to people in need and were vehemently opposed to plunder and extortion. They declared cattle-raids and random taxing to be unlawful. Although they were opposed to non-religious warfare, they were strong enough to defend themselves against military attacks. These zawiya tribes became the tribes of the teachers, specialists of religion, law and education⁹.

Sahrawi Ancestry (13th and 14th century). At that time of the Almoravids, professional warriors had fought as 'mujahideen' in their holy wars. Just like the people who had united in zawiyas, the mujahideen began to form tribes based on their specific occupation. This development was accelerated by the arrival of Maqil Arab tribes. In the 13th and 14th century, these tribes migrated westwards along the northern border of the Sahara to settle in the Fezzan (Libya), Ifriqiya (Tunisia), Tlemcen (Algeria), Jebel Saghro (Morocco), and Saguia el-Hamra, (Western Sahara). When the Maqil Arabs arrived in the western part of the Sahara the mujahidin were most prone to Arabization. While the zawiya tribes retained many of their Berber characteristics, the warrior tribes tried to 'Arabize' as much as possible. They constructed genealogies



of the ancestors of their tribes, connecting them to members of the Maqil

and Arabizing their ethnonyms. Thus the Nyarzig, for instance, became the Ouled Rizg. However, this right to call yourself 'Arab' was only restricted to some tribes. These tribes, the Banu Hassan or simply Hassan, were to function as a warrior class in the next centuries¹⁰. The Arabized Berber tribes controlled key oasis settlements of the Sahara and played an important role in the trans-Saharan slave trade. They already used to impose heavy taxation on any traffic through their lands, while also furnishing protection, supplies, and camels. When trans-Saharan trade intensified, they developed departure and arrival centers with slave depots and intermediary secure caravan stops. In these centers, they oversaw the traffic from sub-Saharan regions to Egypt, Tunisia, Algeria and Morocco. Timbuktu (Mali) was a central crossroad to all four routes. Ouadane, Idjil (near Atar), Azougui, Araouane, Taoudenni and later Tindouf were important stopping-places¹¹. At the same time the number of slaves kept in Western Sahara itself increased drastically¹². The Maqil tribes, who entered the domains of the Sanhaja Berber tribe, sometimes intermarried with the Berber population. The Arabo-Berber person of the region is now known as Saharawi. An exonym sometimes used to describe the Banu Hassan tribes of present-day of the region was Moors. The Arabic dialect, Hassaniya became the dominant mother-tongue of the Western Sahara and Mauritania. Berber vocabulary and cultural traits remain common, despite the fact that many Saharawi people today claim Arab ancestry.

The Saadi Dynasty (16th and 17th century). After the fall of the Almoravid empire in 1147, the new Moroccan empires (Almohads, Merinids and Wattasids) retained sovereignty over the western part of the Sahara but the effectiveness of it depended largely on the sultan that ruled. It was only with the coming to power of the Saadi Dynasty that the sovereignty of Morocco over the western part of the Sahara became complete again. The Portuguese colonisers were expelled from Cape Bojador and from Cap Blanc and the borders of Morocco were moved up to the Senegal River in the south-west and to the Niger River in the south-east after the Battle of Tondibi¹³ in 1591.

Alaouite (Alawi) Dynasty. The Alaouite Dynasty is the name of the current Moroccan royal family. The name Alaouite comes from the 'Ali' of its founder Moulay Ali Cherif who became Sultan of Tafilalt in 1631. His son Mulay r-Rshid (1664-1672) was able to unite and pacify the country. The Alaouite family claim descent from Muhammad through the line of Fātimah az-Zahrah, Muhammad's daughter, and her husband, the Fourth Caliph 'Ali ibn Abi Talib'. According to some legends the Alaouites entered Morocco at the end of the 13th century when Al Hassan Addakhil, who lived then in the town of Yanbu in the Hejaz, was brought to Morocco by the inhabitants of Tafilalet to be their imām. They were hoping that, as he was a descendant of Muhammad, his presence would help to improve their date palm crops thanks to his barakah "blessing", an Arabic term meaning a sense of divine presence or charisma.

His descendants began to increase their power in southern Morocco after the death of the Saadi ruler Ahmad al-Mansur (1578-1603). In 1659, the last Saadi sultan was overthrown in the conquest of Marrakech by Mulay r-Rshid (1664-1672). After the victory over the zāwiya of Dila, who controlled northern Morocco, he was able to unite and pacify the country. The organization of the kingdom developed under Ismail Ibn Sharif (1672-1727), who, against the opposition of local tribes began to create a unified state. Because the Alaouites, in contrast to previous dynasties, did not have the support of a single Berber or Bedouin tribe, Ismail controlled Morocco through an army of black slaves.

With these soldiers he drove the English from Tangiers (1684) and the Spanish from Larache (1689.) However, the unity of Morocco did not survive his death - in the ensuing power struggles the tribes became a political and military force once again. Only with Muhammad III (1757-1790) could the kingdom be pacified again and the administration reorganized. A renewed attempt at centralization was abandoned and the tribes allowed to preserve their autonomy. Under Abder Rahmane (1822-1859) Morocco fell under the influence of the European powers. When Morocco supported the Algerian independence movement of the Emir Abd al-Qadir, it was heavily defeated by the French in 1844 and made to abandon its support. From Muhammad IV (1859-1873) and Hassan I (1873-1894) the Alaouites tried to foster trading links, above all with European countries and the United States. The army and administration were also modernised, to improve control over the Berber and Bedouin tribes. With the war against Spain (1859-1860) came direct involvement in European affairs - although the independence of Morocco was guaranteed in the Conference of Madrid (1880), the French gained ever greater influence. German attempts to counter this growing influence led to the First Moroccan Crisis of 1905-1906 and the Second Moroccan Crisis (1911.) Eventually the Moroccans were forced to recognise the French Protectorate through the Treaty of Fez, signed on December 3, 1912.

The Moroccan Monarchy.

The royal 'Alawi Dynasty' has reigned over Morocco since the 17th century. In the early 20th century, the European powers vied for power in Morocco. Sultan Abd al-Aziz IV displeased Moroccans by cooperating with the Europeans and was deposed in 1908. His brother, Abd al-Hafiz, took the throne but abdicated after the kingdom became a French protectorate in 1912. He was succeeded by his brother Yusuf. Yusuf's son Mohammed V, who became sultan in 1927, was a widely respected nationalist. He was deposed by the French in 1953, but the French returned Mohammed V to his throne in 1955.



King Hassan II July 9,
1929–July 23, 1999

Morocco became independent the following year and Mohammed took the title of king.

Mohammed V died in 1961 and was succeeded by his son, King Hassan II. Although he was accused of human rights abuses, Hassan II is credited with maintaining unity in Morocco and working toward peace in the Middle East. He survived many attempts to topple him from his throne and permitted some democratic reforms. King Hassan died in 1999. The current monarch is his son, King Mohammed VI. Like his father, King



Mohamed VI from July 1999

Mohammed has almost complete control over Morocco's government.

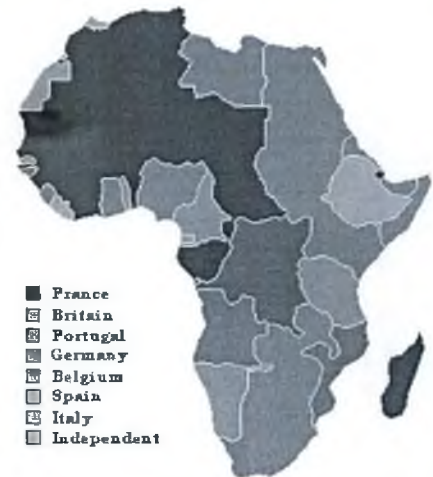
2.1.3.2 The Colonial Era (19th and 20th Century).

In the second half of the 19th century several European powers tried to get a foothold in Africa. France occupied Tunisia and Great Britain Ottoman Egypt. Italy took possession of parts of Eritrea, while Germany declared Togo, Cameroon and South West Africa to be under its protection. At the invitation of Germany, 14 countries attended the Berlin Conference in 1884-1885 to come to an agreement amongst them about the division of the territories. At the time of the conference, 80% of Africa was still under traditional African control. What resulted of the conference was a new map with geometric, often arbitrary, boundaries of fifty new countries. Morocco was cut up between Spain and France. Morocco's oases of Tuat in the south-east went to the immense territory of the French Sahara. Northern Morocco went to Spain as did a large part of the Western Sahara that had been part of Morocco until then. Upon regaining its independence, Morocco also reasserts its claims over the still colonized Western Sahara. The Moroccan King Mohammed V (formerly Sultan) called in an address at El Ghizlan in 1958 for a renewal of "everlasting" allegiance Saharan tribes had pledged to Moulay Hassan I and promised Morocco would mobilize to see the Western Sahara decolonized under Moroccan rule.

2.1.3.3 Concept of Maghreb as a Politico-Economic Union (an Arab Superstate!)

The Maghreb (مغرب العربي al-Maġrib al-Arabī), also rendered Maghrib (or rarely Moghreb), meaning "place of sunset" or "western" in Arabic, is a region in North Africa¹⁴. The term is generally applied to all of Morocco, Algeria, and Tunisia, but in older Arabic usage pertained only to the area of the three countries between the high ranges of the Atlas Mountains and the Mediterranean Sea. Historically, some writers also included Spain, Portugal, Sicily and Malta in the definition, especially during the periods of Arab and Muslim domination. Malta, in particular, still speaks a language based on its own Maghrebi Arabic variety: Maltese. Partially isolated from the rest of

the continent by the Atlas Mountains and the Sahara, the Maghreb has long been closely tied in terms of climate, landforms, population, economy, and history to the Mediterranean basin. Because sea transportation dominated people's lives for so long, peoples joined by waters shared more than those joined by land. The region was united as a single political entity only during the first years of Arab rule (early 8th century), and again for several decades under the Almohads (1159–1229). The Arab states of North Africa established the Arab Maghreb Union in 1989 to promote cooperation and economic integration. Its members are Morocco, Algeria, Tunisia, Libya and Mauritania. Envisioned initially by Muammar al-Gaddafi as an Arab superstate, organization members expect eventually to function as a North African Common Market. Economic and political unrest, especially in Algeria, have hindered progress on the union's joint goals so far.



Map showing claims to Africa in

Religion.

Historic records of religion in the Maghreb region show its gradual inclusion in the Classical World, with coastal colonies established first by Phoenicians, some Greeks, and later extensive conquest and colonization by the Romans. By the second century Common Era, the area had become a center of Latin-speaking Christianity. Both Roman settlers and Romanized populations converted to Christianity. The region produced figures such as Christian Church writer Tertullian (c. 155 – c. 202); and



Map showing Maghreb Countries

Christian Church martyrs or leading figures such as St Cyprian of Carthage (+ 258); St. Monica; her son the philosopher St. Augustine, Bishop of Hippo I (+ 430) (1); and St Julia of Carthage (5th century). The domination of Christianity ended when Arab invasions brought Islam in 647. Carthage fell in 698 and the remainder of the region followed in subsequent decades. Gradual Islamization proceeded, although surviving letters showed correspondence from regional Christians to Rome up until the ninth century. Christianity was still a living faith. Christian bishoprics and dioceses continued to be active, with relations continuing with Rome. As late as Pope Benedict VII (974-983) reign, a new Archbishop of Carthage was consecrated. Evidence of Christianity in the region then faded through the tenth century.

Appearance of Islam.

During the 7th century, the region's peoples began their nearly total conversion to Islam. There is a small but thriving Jewish community, as well as a small Christian community. Most Muslims follow the Sunni Maliki school. Small Ibadi communities remain in some areas. A strong tradition of venerating marabouts and saints' tombs is found throughout regions inhabited by Berbers. Any map of the region demonstrates the tradition by the proliferation of "Sidi"s, showing places named after the marabouts. Like some other religious traditions, this has substantially decreased over the twentieth century. A network of zawiyas traditionally helped proliferate basic literacy and knowledge of Islam in rural regions.

Mediterranean Maghreb.

The portions of the Maghreb between the Atlas Mountains and the Mediterranean Sea, along with coastal Tripolitania and Cyrenaica in Libya, are home to Mediterranean forests, woodlands, and shrub. These eco-regions share many species of plants and animals with other portions of Mediterranean Basin. The southern extent of the Mediterranean Maghreb corresponds with the 100 mm isohyet, or the southern range of the European Olive (*Olea europea*) and Esparto Grass (*Stipa tenacissima*)

- Mediterranean acacia-argania dry woodlands and succulent thickets (Morocco, Canary Islands (Spain), Western Sahara)
- Mediterranean dry woodlands and steppe (Algeria, Egypt, Libya, Morocco, Tunisia)
- Mediterranean woodlands and forests (Algeria, Libya, Morocco, Tunisia)
- Mediterranean conifer and mixed forests (Algeria, Morocco, Tunisia, Spain)
- Mediterranean High Atlas juniper steppe (Morocco)

Saharan Maghreb.

The Sahara extends across northern Africa from the Atlantic Ocean to the Red Sea. Its center is hyper-arid and supports little plant or animal life, but the northern portion of

the desert receives occasional winter rains, while the strip along the Atlantic coast receives moisture from marine fog, which nourish a greater variety of plants and animals. The northern edge of the Sahara corresponds to the 100 mm isohyet, which is also the northern range of the Date Palm (*Phoenix dactylifera*).

- North Saharan steppe and woodlands: This ecoregion lies along the northern edge of the Sahara, next to the Mediterranean forests, woodlands, and shrub ecoregions of the Mediterranean Maghreb and Cyrenaica. Winter rains sustain shrublands and dry woodlands that form a transition between the Mediterranean climate regions to the north and the hyper-arid Sahara proper to the south. It covers 1,675,300 square kilometers (646,800 square miles) in Algeria, Egypt, Libya, Mauritania, Morocco, Tunisia, and Western Sahara.
- Atlantic coastal desert: The Atlantic coastal desert occupies a narrow strip along the Atlantic coast, where fog generated offshore by the cool Canary Current provides sufficient moisture to sustain a variety of lichens, succulents, and shrubs. It covers 39,900 square kilometers (15,400 square miles) in Western Sahara and Mauritania.
- Sahara desert: This ecoregion covers the hyper-arid central portion of the Sahara where rainfall is minimal and sporadic. Vegetation is rare, and this ecoregion consists mostly of sand dunes (erg), stone plateaus (hamada), gravel plains (reg), dry valleys (wadi), and salt flats. It covers 4,639,900 square kilometers (1,791,500 square miles) of Algeria, Chad, Egypt, Libya, Mali, Mauritania, Niger, and Sudan.
- Saharan halophytics: Seasonally-flooded saline depressions in the Maghreb are home to halophytic, or salt-adapted, plant communities. The Saharan halophytics cover 54,000 square kilometers (20,800 square miles), including Tunisian salt lakes of central Tunisia, Chott Melghir in Algeria, and other areas of Egypt, Algeria, Mauritania, and Western Sahara.

Modern Territories of the Maghreb.

- Algeria
- Ceuta (a Spanish exclave)
- Libya
- Mauritania
- Melilla (a Spanish exclave)
- Morocco
- Tunisia
- Western Sahara (claimed by Morocco)

2.1.3.4 **People & Culture (Saharawi Tribes).** The modern ethnic group is thus an Arabized Berber people inhabiting in the Western Sahara, with some tribes traditionally migrating into northern Mali and Niger. As with most Saharan peoples, the tribes reflect a highly mixed heritage, combining Arab, Berber, and other influences including black African ethnic and cultural characteristics. Basically the people speak Berber¹⁴ language. In pre-colonial times, the tribal areas of the Sahara desert was generally considered bled es-Siba or "the land of dissidence" by the authorities of the established Islamic states of North Africa, such as the Sultan of Morocco and Algeria. The Islamic governments of the pre-colonial sub-Saharan empires of Mali and Songhai appear to have had a similar relationship with these territories, which were at once the home of undisciplined raiding tribes and the main trade route for the Saharan caravan trade. Central governments had little control over the region, although the Hassaniya tribes would occasionally extended "beya" or allegiance to prestigious neighbouring rulers, to gain their political backing or, in some cases, as a religious ceremony. In the Saharawi tribal culture no tribe exerted any direct or indirect power over any other and each one was pre-presented in an overall governing body called the Assembly of Forty. Disputes were handled either in a friendly way or by compensation according to Islamic laws. More serious disputes were taken to the counsel of the chiefs of tribes, called Ait Arbein. To this day a similar organised structure exists in the administration of the refugee camps. Until the 1960s the Saharawi people were essentially nomadic pasturing cattle in the sandy low lying plains. They moved in accordance with seasons, their routes dictated by wells and watering holes. But during 1960s the Saharawi became increasingly sedentary. It was during this time that Saharawi nationalism grew in strength. Details of the population statistics are at Annex A.



End Notes:

¹ . Source: CIA World Factbook - information in this page is accurate as of May 16, 2008.

² . CIA World Factbook 2004.

³ . This generally accepted chronology for the Western Sahara is provided by the historian George E. Brooks, "Climate and History in West Africa" in Connah, Graham (editor) Transformations in Africa. Essays on Africa's Later Past (London and Washington: Leicester University Press), 1998, pp. 139-159.

⁴ . UNESCO General History of Africa III, 1988, ch.28 Africa from the seventh to the eleventh century: five formative centuries, by J. Devisse and J. Vansina p.758

⁵ . Roderick J. McIntosh, The peoples of the Middle Niger, Oxford, 1998, chapter 2.

⁶ . Philip Curtin (ed.), African History, 1978, p. 211-212.

⁷ . Zaouia (Arabic **زاوية** "corner"), also spelled zawiya, zawayah, zaouiya, zaouïa zwaya, etc, is a Maghrebi and West African term for an Islamic religious school or monastery, roughly corresponding to the Eastern term "madrassa". In pre-colonial times, these were the primary sources for education in the area, and taught basic literacy to a large proportion of children even in quite remote mountainous areas - leading to a 40% literacy rate in Algeria in 1830. Their curriculum began with memorization of the Arabic alphabet and the later, shorter suras of the Qur'an; if a student was sufficiently interested or apt, it progressed to law (fiqh), theology, Arabic grammar and sometimes astronomy. These are still operational throughout the Maghreb, and continue to be a major educational resource in the Sahel of West Africa, from Mauritania to Nigeria. Among the Hassaniya Arabic-speaking populations of Mauritania, Western Sahara, Morocco, Mali and Algeria (often referred to as Moors/Maure and Sahrawis), the term is also used to signify a certain type of tribe. Sahrawi-Moorish society was traditionally (and still is, to some extent) stratified into several tribal castes, with the Hassane warrior tribes ruling and extracting tribute - horma - from the subservient znaga tribes. A middle caste was formed by the Zawiya, or scholarly tribes, who provided religious teaching and services. This did not necessarily mean that they maintained a monastery or school as described above, since all these tribes were more or less nomadic. However, important shaykhs would sometimes create schools, or, after their deaths, their graves would turn into holy places of significance to the tribe.

Source: M. D. Goulder, Stanley E. Porter, Paul M. Joyce, David E. Orton, Preview this book Crossing the Boundaries: Essays in Biblical Interpretation, 1994, BRILL publisher, 381 pages ISBN 9004101314

⁸ . Maurische Chronik (ed. W.D. Seiwert), Ch.6 Leute des Buches und Leute des Schwerts, Berlin, 1988.

⁹ . UNESCO, Gneral History of Africa III, Ch. 9 The conquest of North Africa and Berber Rresistance by H. Monès, p. 224-246.

¹⁰ . Map on <http://les.traitesnegrieres.free.fr>

¹¹ . *The horse and slave trade between the western Sahara and Senegambia, Webb, J.L.A., Journal of African history, 1993, vol. 34, no. 2, pp. 221-246, ISSN 0021-8537

* The Human Commodity: Perspectives on the Trans-Saharan Slave Trade by Elizabeth Savage (ed.), 1992, London, Frank Cass & Co, London ; ISBN 0-7146-3469-7

* Fisher, Allan and Humphrey J. Fisher. *Slavery and Muslim Society in Africa*. London: C. Hurst, 1999.

* Klein, Martin A. *Slavery and Colonial Rule in French West Africa*. New York: Cambridge University Press, 1998.

* Cordell, Dennis D. *Dar al-Kuti and the Last Years of the Trans-Saharan Slave Trade*. Madison: University of Wisconsin Press, 1985.

¹² . The Battle of Tondibi was the decisive confrontation in Morocco's sixteenth-century invasion of the Songhai Empire (The Songhai Empire, also known as the Songhay Empire was a pre-colonial African state of West Africa. From the early 15th to the late 16th century, Songhai was one of the largest African empires in history. This empire bore the same name as its leading ethnic group, the Songhai. Its capital was the city of Gao, where a small Songhai state had existed since the 11th century. Its base of power was on the bend of the Niger River in present day Niger and Burkina Faso.) Though vastly outnumbered, the Moroccan forces under Judar Pasha defeated the Songhai Askia Ishaq II, guaranteeing the Empire's downfall.

¹³ . The Columbia Encyclopedia, Sixth Edition. 2001-05.

¹⁴ . The Berber languages (Tamazight) are a group of closely related languages mainly spoken in Morocco, Algeria, Niger, Mali and Libya. A relatively sparse population extends into the whole Sahara and the northern part of the Sahel. They belong to the Afro-Asiatic languages phylum. There is a strong movement among speakers of the closely related northern Berber languages to unite them into a single standard Tamazight.

2.2 Study of the Conflict.

It is important that a detail study of the conflict to be assimilated first in order to find out a viable conflict resolution approach.

2.2.1 The Pre and Post Colonial Period History of Western Sahara.

2.2.1.1 An Overview of Colonial Involvement.

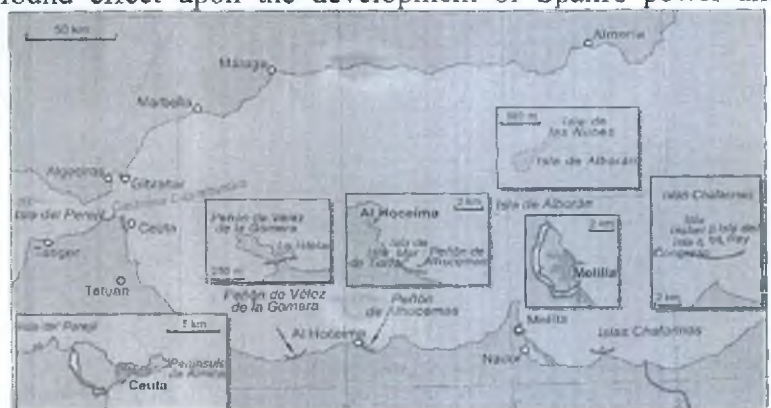
For over a century, Spain and France have been closely connected to the history of the Western Sahara. While Madrid's intimate association is obvious, given its colonial administration of its Spanish Sahara, Paris, too, has been linked directly and indirectly to the territory. As shall be seen, neither country's involvement nor interest ended with the Tripartite (Madrid) Accords of November 1975.

The Colonial Period (Spanish and French Involvement). The Western Sahara received repeated attention during the Age of Exploration as the Portuguese and Spanish traded and raided along the coast. The region became another area of intra-Iberian contention that was partially resolved by the Tordesillas Treaty¹ of 1494, which allowed a Spanish sphere of influence to stretch from Cape Bojador to Messa. Though both powers violated this agreement, it became clear that Spain especially viewed the African littoral across from the



Border of Spanish Sahara in 1958

Canary Islands (*secured by Spain during the fifteenth century*) as having strategic importance. Although Spaniards made contact with Sahrawi tribes (especially Berbers), Madrid's colonial ambitions were deflected by the astonishing discoveries in the New World². The establishment of a great colonial empire had a profound effect upon the development of Spain's power and identity. For the next 350 years, Spain was content to leave the inhospitable Saharan region alone. It viewed occasional Moroccan Saadian and Alaouite military campaigns into the Saharan bilad al-siba (land



Spanish Enclaves in Morocco

of dissidence) as representing little threat to its interests. During the mid 19th century, however, Spain renewed its interest in the region. A brief conflict between Spain and Morocco, precipitated by Madrid's apprehension of increasing British influence in Morocco and tribal attacks on Ceuta, resulted in a Spanish success, which inspired imperial ambitions. The Tetouan Treaty³ of 1860 allowed Spain to enlarge its coastal enclaves of Ceuta and Melilla. The treaty also stipulated the reestablishment of Santa Cruz de Ma Pequeña, a former Spanish outpost located along the Sahara coast opposite the Canaries⁴. Spain's anxieties concerning colonial rivals in the region intensified due to the establishment of a British presence in Tarfaya (southern Morocco) and a French interest in the rich offshore fishing grounds⁵. From its point of view, Spain saw that not only were its interests in the area threatened, but that its imperial identity was also at stake. Spain's loss of control over its American colonies greatly reduced its prestige and led to a redefinition of its power.

The success of Spain in getting Morocco to concede territory in 1860 rekindled the concept of Hispanidad (a Pan-Iberian movement with both political and cultural dimensions), and a sense of mission in Africa. The power of this concept was disclosed as Madrid sought to acquire territories in Africa, including the Western Sahara. The formation of several colonial organizations underscored this regenerated imperial impetus. One of them, the *Sociedad Española de Africanistas y Colonistas*, secured Sahrawi treaties in January 1884, and by the end of the year Villa Cisneros (Dakhla), Angra da Cintra, and La Guera were founded. Spain applied the principle of the Act of Berlin and proclaimed a protectorate named Río de Oro, a claim recognized by the European powers. Until subsequent treaties with the French demarcating borders, the Spanish presence was limited to the coast. France's imperial involvement in the Western Sahara was impelled by several reasons:

- (1) *The chauvinistic urge to assert French power especially after her defeat in the Franco-Prussian war of 1870-71;*
- (2) *European rivalries such as Spain's irritating ambitions in Morocco and the Western Sahara and the ominous specter of German ambitions in the Maghreb;*
- (3) *Indigenous anti-colonial resistance that could only be contained by a French military response;*
- (4) *The eventual competition between French officers and colonial bureaucrats championing respective French interests in Morocco and Algeria.*

These variables often operated simultaneously and synergistically. They also reflected a renovated imperial discourse similar to Spain's. For example, this was shown, especially during the 1890s, by the particularistic chauvinism of soldiers and settlers in Algeria, who lobbied acquisitive Third Republic governments to assert authority in the Western Sahara. The French also showed increasing interest in a Trans Saharan railway from

Algeria to Timbuktu. Efforts to construct a Dakar-to-Djibouti line were frustrated by the British at Fashoda, but the French received subsequent British support for Saharan expansion. Paris aimed at what one historian called a "delicate expansion" and a "peaceful penetration" of the region⁶. Negotiations with Madrid concluded in 1900, producing the first of several conventions concerning colonial borders⁷. Germany's political intentions in the regions heightened French (and world) anxieties, which led to the Algeciras Act⁸ in 1906 invalidating Moroccan sovereignty, and finally resulting in the Treaty of Fez (March 30, 1912), which established the protectorate. Concurrently, indigenous resistance was suppressed through French military ca



Generalissimo Francisco Franco

mpaigns. Acting as an Alaouite representative (khalifa) the Mauritanian-born Ma al-Ainin spearheaded local opposition to the French and, to a lesser degree, the Spanish⁹. This dynamic figure attempted to unite and mobilize Sahrawi resistance, built Smara as a Sahrawi political and religious center, and threatened the French position in Mauritania.

Madrid often intrigued against Paris, despite Spain's dependence upon France's regional expansion for its own, and permitted Spanish firms to supply the Sahrawi's with arms. But as the Sultanate lost its authority, Ma al-Ainin also found his own power and influence declining. He was finally decisively defeated in June 1910 and died several months later. Ahmad al-Hiba, Ma al-Ainin's son, continued resistance against the French. During World War I, Germany attempted to provide him assistance. His death in 1919 did not end Sahrawi hostilities. Muhammad al-Mamun, a nephew of Ma al-Ainin and an

Islamic intellectual, organized Sahrawi resistance in Mauritania after participating in the Rif War¹⁰ with Abd al-Karim. Though conducting remarkable long-distance raids, the attacks were sporadic and Sahrawi operations were often uncoordinated. The establishment of the Confins Algéro-Marocains (CAM) in 1930 created a unified Algerian-



1893 - 1927: Campaigns in the Rif

Moroccan command that ended dissidence in southern Morocco and eventually extended its authority into northern Mauritania. Contentions between French colonialists in Morocco and Algeria over borders and respective jurisdiction were left unresolved, however, and this proved to have profound postcolonial consequences. By the end of 1934, the region was relatively secure even though Sahrawis continued to pursue their nomadic way of life. French pacification of Morocco and Mauritania expedited Spanish

expansion into Río de Oro's interior. Smara and Daoura were reached in 1934. Spain's modest Maghrebi colonial territories had profound political importance. Francisco Franco¹¹ organized and mobilized his Nationalist rebellion against the Republic from bases in Spanish Morocco. And, as the victorious Generalissimo stated in 1939, "*Without Africa, I wouldn't have been able to begin to understand myself*"¹². The imperial discourse deeply influenced Franco's policies. Indeed, during World War II the Falangist¹³ government even entertained the idea of African expansion at the expense of defeated France.

After World War II, economic and political developments decisively changed the entire Western Saharan situation and affected colonial discourses. Spanish geologists discovered phosphates in the late 1940s in the Sahara. In 1962, the Empress Nacional Minera del Sáhara SA (ENMISA) was organized and an "ultra-modern mine" began extraction in 1972. The idea of Spanish Sahara enriching the metropolitan state reinforced the imperial discourse. Reflecting France's parallel interests, in 1952, a French-controlled consortium called Mines de Fer de Mauritanie (MIFERMA) began extracting Mauritanian iron ore that had been found near Fort Gouraud (Zouerate) before the war. Large iron ore deposits discovered in 1953 at Gara Djebilet, south of Tindouf, Algeria, again attracted attention to the disputed border zone. In January 1957, France created the Organisation Commune de Régions Sahariennes (OCRS), designed to share mineral resources (e.g. Mauritanian iron and Algerian petroleum) among the peoples of the Sahara. The idea that the Sahara was "the new Siberia of the French economy" reinvigorated France's imperial discourse despite the rapid approach of decolonization¹⁴. Politically, the radicalization of Moroccan and Algerian nationalism during the 1950s, characterized by the Moroccan Istiqlal (independence) party and the Algerian National Liberation Front (FLN), threatened colonial presumptions and power in the region. As shall be seen, both independence movements would have a profound effect upon the evolution of nationalism in the Sahara.

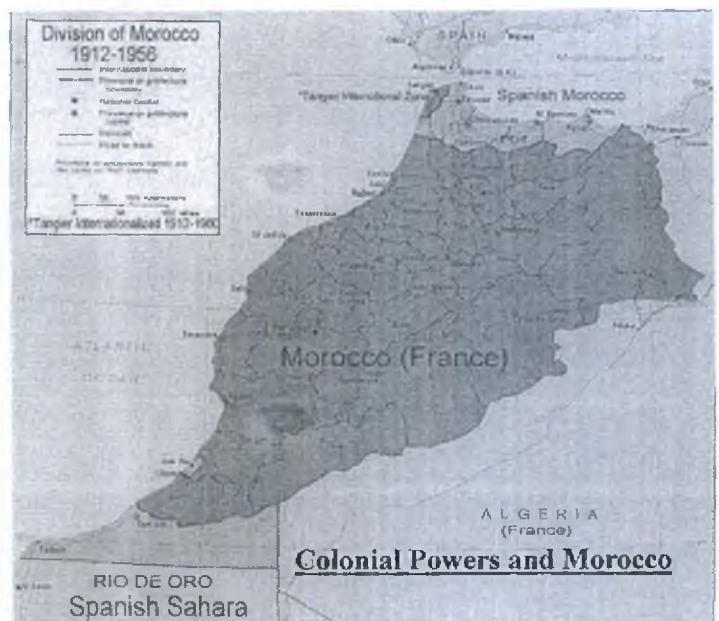
The French deposition of the nationalist Sultan Muhammad V in 1953 incited the formation of an irregular "Army of Liberation" that received support from Sahrawi tribes in the South¹⁵. Though France reversed its decision and allowed the sultan to return to Morocco in November 1955, the leaders of the army met in Madrid (disclosing Spain's proclivity toward embarrassing France) in January 1956 and planned operations. France preempted the potential of another major revolt, like the one that began in Algeria in November 1954, by proclaiming Moroccan independence in March 1956. Efforts to incorporate liberation soldiers into the newly formed Royal Moroccan Armed Forces (FAR) failed; the army remained intact



and determined to liberate the rest of the Maghreb. In June 1956, the Army of Liberation launched attacks in Algeria; combat commenced in Mauritania in February 1957. Three months later the Spanish found themselves hard-pressed in Ifni as a result of Madrid's reluctance to transfer South Morocco (Tarfaya) and the Spanish Sahara to Rabat (Morocco's capital).

Eventually, French and Spanish military commands collaborated and coordinated a successful counteroffensive called Opération Ouragon in February 1958. The army disintegrated as many joined the FAR while others left for the desolate Spanish Sahara. These irregulars did, however, reinforce the appeal of aggressive Moroccan nationalists such as the Istaqlal's leader, Allal el-Fassi, who desired an end of Spanish colonialism coupled with an extension of Morocco's borders¹⁶. Sensitive to the border issue and anxious to secure Moroccan support during the liberation struggle, Ferhat Abbas, the president of the Algerian nationalist provisional government, signed an agreement with King Hassan on July 6, 1961, which stipulated that Morocco and Algeria would settle the frontier dispute after the War of Independence. Ironically, during the Evian negotiations (1961-62) with France, the nationalists defended the colonial position maintaining the permanence of Algerian borders. After Algeria attained its independence (July 1962), FAR units crossed the border, anticipating the implementation of the

July 1961 agreement. During this time, Algeria suffered multiple dislocations caused by colonialism, the War of Independence, the flight of *Piedsnoirs* (European settlers) and management cadres, and, in particular, the post independence elite fratricide. Algerian nationalist leader Ahmed Ben Bella's efforts to consolidate power delayed negotiations with the impatient Moroccan king, who had ordered the FAR to withdraw but who still urged a settlement of the frontier question. The Kabyle (or Berber) Revolt in fall 1963 against President Ben Bella's government provided King Hassan with an opportunity to resolve the issue through a direct military confrontation with Algeria. The brief "War of the Sands" demonstrated Morocco's military superiority. However, diplomatic pressure from the new Organization of African Unity (OAU) and also from the United States and France led to a cease-fire and a meeting between Hassan and Ben Bella in October 1963. The border issue remained unresolved, although it was



occasionally discussed by the two countries between 1963 and 1975. Tensions intensified, however, with the end of Spanish rule over the Western Sahara in 1975¹⁷. Algeria's and Morocco's border dispute diverted attention from the Spanish Sahara, integrated with Spain since 1958 as "overseas provinces" of the metropolitan power.

The decolonization of French and British colonies in Africa, however, increased pressure on the anachronistic Spanish position. A member of the United Nations since 1955, Spain was one of the targets of UN Resolution 1514, which called for continued decolonization. Spain's historical discourse was in transition. Spain began a deliberate decolonization. Morocco received Spanish South Morocco (Tarfaya Province) in 1958 and Ifni in 1969. The Falangist government was determined, however, to hold on to the Sahara. According to the historian Juan Pablo Fusi, "Franco said unequivocally that he would never give the territory up." Indeed, Madrid began modest investments in infrastructure and practiced paternalist colonialism. The government still hoped (as Portugal did with regard to its colonies) that the Sahara would provide Spain with a wealth of resources. The Sahrawis, Spain's "African brothers," had their first election in 1963 (Sahrawis could then serve in the Cortes) and a Djemma (assembly) of elders was established in 1967 after a 1966 referendum ostensibly demonstrated Sahrawi support of the Spanish presence. The UN, however, remained unconvinced by Spain's actions. In October 1964, it urged Spain to conduct self-determination. By 1973, Spain declared its willingness to organize "necessary preparations" for self-determination. Three developments accelerated these preparations.

First, Spanish authorities faced political unrest in the Sahara. There was an anti colonial demonstration in June 1970, which ended in violence. On May 10, 1973, the Polisario Front was organized, followed by its first operation against a Spanish post on May 20.

Second, Portugal's sister authoritarian government was destabilized by African insurgencies and overthrown by a military coup in 1974.

Third, Franco's health deteriorated and with it, the Spanish government's power.

Spain declared Saharan internal autonomy in the Political Statute (*estatuo politico*) of July 1974, which gave the *Djemma* a legislative capacity and inaugurated Sahrawi participation in a governing council, and announced that a self-determination referendum would be held during the first half of 1975. According to John Damis, "*Spain probably still hoped up to this time that the Sahrawis would vote for independence and...rely upon Spain for economic support and military protection*" while providing "*a guaranteed source of phosphate for Spanish agriculture, thereby ending Spain's dependence on Morocco.*" Thus, in 1974, the colonial administration expedited the formation of the Partido de la Unión Nacional Saharaui (PUNS) as a political counterpoise to Polisario.

These events worried Rabat, which had expected the eventual integration of the Spanish Sahara into a Greater Morocco. The prospect of an independent Saharan state produced political anxiety, but also created an opportunity for the unstable Alaouite monarchy, which had endured two coup attempts earlier in the decade. Indeed, the crisis increased the monarchy's popularity. Annexing the Spanish Sahara became an issue of national pride. Madrid was pressured over its vestigial colonial enclaves and its offshore islands. Spanish fishermen were even harassed. Morocco successfully delayed the projected referendum by having the Saharan question reviewed before the (ICJ). Rabat organized a Sahrawi Frente de Liberación y de las Unidad (FLU), which commenced raiding across the Moroccan border in May 1975. During that same month, Spain assured Morocco that the "legitimate" interests of neighboring nations would be taken into account. Indeed, a formula to transfer sovereignty was publicized. Nevertheless, as late as October 1975, the ailing Franco "*was inclined to stand firm but he was probably at the same time unwilling to go to war.*" When Madrid finally concluded that decolonization was inevitable, Franco's protracted death in the fall of 1975 (he died November 20) vitiated Spanish power and produced a vacillating policy. The tenuous political transition under Prince Juan Carlos (who became acting head of state on October 31), compounded by the Moroccan Green March¹⁸ (on November 6), ultimately forced Madrid into negotiating the Tripartite (Madrid) Accords of November 14, 1975, with Morocco and Mauritania. Spain agreed in the Tripartite Accords to transfer its Saharan administration and its authority over coastal waters to Morocco and Mauritania. Nevertheless, it reserved its right to sovereignty over the Western Sahara until the Sahrawi population expressed its self determination, presumably through an internationally recognized referendum.

Therefore, the transfer of power was actually an "administration" rather than a genuine "decolonization." Though the democratization of Spain played an important role as immediately compensating for the end of Francoism, the hasty departure or, from Polisario's perspective, the "abandonment" of the Sahara, discredited the colonial legacy and implicitly the imperial discourse. Despite the historic discontinuity created by the administration, there remained a disquieted Spanish interest in the Western Sahara that went beyond political and economic considerations; the rapid withdrawal seemed to repudiate both the ideal of *Hispanidad* and the moral responsibility.

2.2.1.2 Spain and the Postcolonial Period Environment.

The Tripartite Accords averted a potential military confrontation with Rabat that would have jolted the delicate democratic transition into the post-Franco era. The ambivalent de-administration also allowed Madrid some flexibility to conduct a complex and contradictory balancing policy among the contending Maghrebi parties. On February 26, 1976, Spain transferred its Saharan administration to Morocco and Mauritania. Spain's political collaboration with Morocco resulted in perpetuated economic advantages. Privileges were preserved concerning fishing rights (particularly protecting the fishermen from the sensitive Canaries) and in phosphates exploration and exploitation¹⁹.

Furthermore, Morocco provided political accommodation. King Hassan declared on November 25, 1975, that his government would not pressure Spain over the coastal enclaves of Ceuta and Melilla until Spain recovered Gibraltar. Spanish gratitude included arms shipments to the Moroccans until mid-1977, when Madrid was forced to reevaluate its bilateral engagement. Internally, Spanish opposition political parties questioned the government's collaboration with Morocco and sympathized openly with Polisario's Sahrawi Arab Democratic Republic (SADR, proclaimed one day after Spain transferred its administration to Morocco and Mauritania on February 27, 1976). Although Spain might have evaded a military conflict with Morocco, its abrupt departure was viewed as an irresponsible act that obstructed genuine Sahrawi self-determination. Socialist Felipe González of the Partido Socialista Obrero Español (PSOE) visited the Tindouf refugee camps in 1976 and, along with other parties of the left, called for an official repudiation of the Tripartite Accords in March 1977. One year later, the Congress of Deputies conducted special hearings concerning the negotiation of the Tripartite Accords that underscored the political discontent. Initiatives to recognize Polisario appeared in the Cortes (Cortes Generales, "General Courts", usually just *las Cortes*, national legislative assembly of Spain). Externally, Spain faced a bitter Algeria, resentful of the Tripartite Accords and of Madrid's lack of consideration for its interests. Algiers provided important military material to Polisario and retaliated against Madrid by promoting the Canary Islands liberation movement, *Movimiento por la Autodeterminación y la Independencia del Archipiélago Canario* (MPAIAC), headed by Antonio Cubillo. Concurrently, Algiers exercised its considerable influence and convinced the OAU's Liberation Committee to adopt a resolution calling for MPAIAC support and the decolonization of the Canaries.

These Algerian actions, however, disturbed Spanish national sensibilities, including those of the left, illustrating the vestigial, yet powerful, effect of the imperial discourse. Nonetheless, Algiers realized the dangers of alienating Spain politically and economically. In particular, Algerian economic state planners projected a trans-Mediterranean natural gas pipeline to Spain, which would expedite the export of Algerian energy to Western European markets. This important consideration prompted Algiers to defer its OAU initiative and its support of the MPAIAC. Nevertheless, the effect of these events forced Madrid to defend its presence in the Canaries throughout Africa. Indeed, Spain's image as a nation sensitive to the interests of the Third World—an image fostered especially during the Falangist period—had been tarnished by Madrid's precipitous withdrawal from the Sahara. The political consequences of de-administration troubled Madrid and affected the changing discourse. Compounding this uneasy situation, the fledgling SADR warned Spain that the Western Sahara's territorial waters would be patrolled and defended. Sporadic Sahrawi seaborne attacks upon the Spanish



fishing fleet began in 1977. In April 1978, Polisario guerrillas seized eight fishermen. When Madrid complained to Algiers, it was advised to deal directly with the Sahrawis. In order to be able to do that, Javier Rupérez, of the ruling Unión del Centro Democrático (UCD), attended Polisario's Fourth Congress in September 1978 and signed a joint communiqué recognizing the liberation movement as the only legitimate representative of the Sahrawi people. Polisario released the fishermen in October. That same month, Spain requested that the UN settle the Saharan war and expedite Sahrawi self-determination. The following spring, Prime Minister Suárez's visit to Algiers included a meeting with Polisario Secretary-General Mohamed Abdelaziz. While this did not symbolize official recognition, it underscored the UCD's new relationship with Polisario. Polisario eventually was allowed to open an office in Spain. Closer Spanish relations with Algeria and Polisario provoked a Moroccan response. As a consequence of Rupérez's presence at Polisario's Fourth Congress, Foreign Minister M'hamed Boucetta evoked the delicate enclave issue. Furthermore, fishing problems remained unresolved because they were linked to Morocco's demand for an agreement concerning citrus fruit exportation through Spain to European markets. This was symbolized by the unratified 1977 fishing treaty. In January 1981, Spain briefly pulled its fishing boats from the disputed waters. An interim agreement was signed in April 1981. Madrid realized that its interests in the Maghreb could best be served by parrying Morocco with Algeria. For example, Suárez's arrival in Algeria was balanced by King Juan Carlos' visit to Morocco. The Spanish government, however, failed to reach some accommodation with Polisario. Polisario continued to threaten Spanish fishermen. In September 1985, a Spanish fishing boat flying the Moroccan flag was attacked, resulting in the death of one fisherman. Madrid retaliated by closing Polisario's Madrid office and expelling its representative, Ahmed Boudkhari. This response has been linked to Spain's delicate sensibilities concerning terrorism from the Basque Euzkadi to Askatasuna (ETA) in Spain itself, although Madrid denied a comparison between the ETA and Polisario. Nonetheless, Spanish ships were targeted by Polisario in November 1986 and January 1987. Concurrently, there was an improvement in relations between Spain and Morocco.

Finally, in June 1988, a "framework agreement" covering the entire commercial relationship was signed. In spite of Spain's tilt toward Morocco during the last few years, Madrid also appreciated the strategic importance of Algeria. Before President Chadli Bendjedid's visit to Spain in the summer of 1985, Algeria's SONATRACH and Spain's ENAGAS renegotiated a liquefied natural gas (LNG) contract concerning long-term purchases and prices. In an interview with the Spanish newspaper, *El País*, Bendjedid reminded Spaniards that "your country has never declared itself released from this engagement [Western Saharan decolonization]." The message was clear: Spain still had a "political and moral" role to play "in regard to the decolonization of Western Sahara." This was echoed on December 15, 1987, when the Spanish Congress of Deputies met in plenary session and proposed a resolution that supported the UN-OAU peace plan and called for the government to play a more active role in promoting negotiations. This led

to antiterrorist agreements in November 1986 and September 1987. Algiers has recently facilitated a dialogue between the Spanish government and the ETA, which has added a new political significance to the bilateral relationship. Concerning the Western Sahara, sanguine articles in *Jeune Afrique* contended that the Spanish press had resigned itself to the "Moroccanization of the territory." Spanish tourists have frequented its beaches. Nevertheless, Spain welcomed the May 1988 rapprochement between Morocco and Algeria and supported the August 1988 UN peace proposal, which Madrid hoped would lead to a self-determination referendum, finally fulfilling what would be recognized internationally as an authentic "decolonization."²⁰ Polisario reminded Madrid at this time that Spain's "indifference and abandonment" of the Western Sahara and its people had contributed to the war and its consequences. Spain responded with a vote at the UN in October 1988 in favor of a resolution supporting direct talks between Polisario and Morocco, thereby affirming the Algerian position, which forced King Hassan to cancel a November state visit. Relations with Polisario improved to the point that an agreement was made in January 1989 to reopen its Madrid office.

King Hassan finally arrived for his state visit (the first by a Moroccan monarch since independence) in September 1989. The cordiality of the visit seemed to indicate to *El País* the end of "a period of misunderstandings and suspicions." Spain maintained, however, its position that the most effective procedure to expedite peace in the Western Sahara was face-to-face negotiations between the belligerents. This was reaffirmed by Foreign Minister Francisco Fernández Ordóñez before the United Nations at the end of the month. Following King Hassan's visit, Spanish-Moroccan relations again entered a troubled period. Morocco was particularly concerned over the Spanish government's very visible reception of Polisario's leader Bachir Mustafa Sayed in May 1990. While Madrid feared that a symbolic recognition of the SADR (relating to the opening of a Polisario office) would jeopardize progress on the self-determination referendum process, the Sahrawis have received significant humanitarian assistance (\$3 million and thirty scholarships in 1989). Sayed supported Morocco's claims to Ceuta and Melilla; but he also referred to Morocco's silence concerning the enclaves in the North while "Spain washes its hands of the conflict in the South." A month later *El País* reported that Moroccan intelligence services had infiltrated the Spanish Foreign Ministry with a particular interest in these Polisario-Madrid conversations. The Spanish Government was particularly displeased by this provocative action. Currently, the González government in Spain seems to be fulfilling the PSOE's postponed promise of political support of the Sahrawi nationalists in order to edge Morocco closer toward a referendum. Concurrently, it has strengthened relations with Rabat. *El Independiente* has called this policy "two-faced" and claimed that the



Socialists have a "double morality" concerning the Sahara, declaring support for self-determination while sending arms to Morocco. Actually, Polisario has understood the strategic need of Spain, France, and the United States to cultivate close relations with Morocco.

The president of the SADR and general-secretary of Polisario, Mohamed Abdelaziz, stated that these countries' "continued political, military, and financial backing" could be used as a diplomatic lever to persuade Morocco to end the conflict and negotiate a solution.

2.2.1.3 France and the Postcolonial Period Environment.

France's interest in Western Saharan decolonization was connected directly to its postcolonial relationships with Algeria, Morocco, and Mauritania. From 1962 to 1975, Algeria dominated Paris' relations with the Maghreb. This stemmed from President Charles de Gaulle's implementation of a privileged policy of cooperation with Algeria as a "narrow door" to vast French opportunities in the Third World. Indeed, de Gaulle's substitution of cooperation for colonialism represented a remarkable transformation of discourse that preserved the identity of French greatness and independence. However, by the time of the death of President Georges Pompidou in 1974, a *relancement* (re-launching) had been initiated. The decision to hold the Algiers Summit



Kurt Waldheim

between Presidents Valéry Giscard d'Estaing of France and Houari Boumedienne of Algeria in April 1975 was perceived by Algeria as a symbolic gesture aimed at restoring the relationship to a privileged position. Their expectations would be dashed, however, by balance of trade difficulties and by problems resulting from the Western Sahara decolonization. Despite claims of impartiality, France acted in ways that lent strength to Morocco's position. Without France's accommodation and support, Morocco could not have pursued as aggressively its Saharan ambitions. Paris encouraged the negotiation of the Madrid Accords and assisted in their implementation. There were several reasons for this decision, including the following: King Hassan's strategic pro-Western orientation; the internal threats to the Alaouite monarchy; the possibility



Houari Boumedienne

of French economic opportunities; the improbability of

serious Sahrawi nationalist resistance (though Polisario had conducted military operations against Spanish authorities since May 1973); the personal friendship between the two leaders; and France's wish to protect Spain's fledgling democratic movement

from the perilous possibility of colonial war. France's indirect involvement in Saharan decolonization would eventually lead to direct intervention. As the war escalated, France claimed neutrality, which was at best ambiguous, especially when contradicted by economic aid and by large arms shipments sent to Morocco. Giscard's public opposition to "the multiplication of micro-states" (February 1976) also implied a French endorsement of a "Greater Morocco." Finally, Polisario guerrillas decided to concentrate their operations against their weaker adversary, Mauritania. Because France perceived this action as a threat to its special relationship with Mauritania, underscored by the deaths of two French technicians and the capture of others by Polisario, Giscard authorized French military operations to protect Mauritania (*Opération Lamantin*)²¹. Algiers was implicated in these events. Polisario was portrayed in some French newspapers as Algeria's "pirates" and "mercenaries." Posters appeared in Paris calling for "The Paras to the Sahara." The murder of an Algerian guardian at the *Paris Amicale des Algériens en Europe* tragically illustrated the worsening situation that was compounded by the emigrant worker expulsion issue. On December 2, 1977, using as a pretext the Franco-Mauritanian cooperation agreements, the French government launched air strikes against Sahrawi columns operating in Mauritania. Sorties continued later that month (December 14-15) that not only deepened French involvement, but also publicized the Saharan struggle worldwide. In a revealing statement illustrating a modified postcolonial discourse, Giscard declared: "France is a peaceful country, but it is not a weak country." In order to embarrass Giscard, Polisario handed over several captured Frenchmen on December 23 to UN Secretary-General Kurt Waldheim. Deeply disappointed by Giscard, President Boumedienne resorted to economic reprisals, nationalizing French holdings in Algeria. In addition, France was still considered Algeria's most natural commercial market and partner, given geographic, cultural, and historic "predispositions"²².

President Giscard



On April 30, 1978, President Boumedienne declared his willingness "to discuss all the problems." The July 10, 1978, military coup that ousted Mauritania's President Mokhtar Ould Daddah also marked the end of France's direct intervention. Ironically, Giscard entertained the possibility of a Sahrawi microstate. Paris may have expedited the Polisario's accord with the new Mauritanian government on August 5, 1979, which officially withdrew Mauritania from the war. The decision to terminate France's direct intervention in the conflict contributed to a political rapprochement and genuine replacement with Algeria. Before his death in December 1978, Boumedienne addressed Paris, calling for the resolution of their bilateral problems and for French assistance in ending the war. On February 15, 1979, Giscard called the conflict in the Western Sahara "a decolonization program." In March, Olivier Stirn, the secretary of state for foreign affairs, stated, "It is the policy of France like that of the European Community to recognize the Sahrawi people's right of self-determination". During his official visit to Algeria, Jean-François Poncet stated that France was "impartial" but not "indifferent"

toward finding a peaceful solution. Notwithstanding the statements for "self-determination" while arms and personal amity flowed from Paris to Rabat, France's neutrality seemed less "ambiguous" and more authentic. In December 1980, Omar Hadrami, a member of the executive committee of Polisario, contended that "France can serve as an intermediary". During the 1981 presidential campaign, the Parti Socialiste's "110 Proposals" included "support for the right of self-determination of... Western Sahara" and "privileged ties with nonaligned countries of the Mediterranean zone and the African continent, especially Algeria". François Mitterrand's election promised a change in policy and, like González's in Spain in 1982, raised expectations among Sahrawi nationalists for a shift in French policy. As French scholar Nicole Grimaud stated:

France has tried with difficulty to maintain a degree of equilibrium and neutrality; it would have liked a referendum in the Sahara, but it will go no further. It will not do anything to jeopardize the King, considering him preferable to a military regime. Apart from a few convinced socialists, the French Administration is skeptical about the creation of a Saharan state; Mauritania's difficulties in surviving are too well known²³.

It was no wonder that the rapprochement between Morocco and Algeria in May 1988 was greeted ecstatically. This reduced the risk of offending either Morocco or Algeria. In addition, the UN initiatives during the summer of 1988 were also applauded, since they underscore French statements concerning a referendum. France is now willing to play a more neutral role on the Western Saharan conflict than ever before. For Paris, this new balance provides a less contentious position that neither denies the Sahrawis their right of self-determination--thereby reinforcing Paris' relations with Algiers--nor denies Moroccan political presumptions. In the summer of 1990, France chaired UN Security Council meetings concerning the UN referendum process and helped mediate between Moroccan and Sahrawi positions²⁴.

2.2.2 **Indigenous Sahrawi Movement (Uprisings)**. The uprising by Sahrawis started following these events as mentioned above.

2.2.2.1 **Harakat Tahrir, First and Second Intifadaa**.

The Movement for the Liberation of the Saguia el Hamra and Rio de Oro sometimes referred to as the "Movement for the Liberation of the Sahara" or simply the "Liberation Movement" (harakat tahrir in Arabic) was created in 1967 by Muhammad Bassiri²⁵, a Smara-based Sahrawi quranic teacher. Its aim was the peaceful overturning of Spanish colonial rule and achievement of Western Sahara's self determination. It initially organized and operated in secret, but revealed its existence in a demonstration in El-Aaiun against Spanish rule on June 17, 1970, attempting to hand over a petition to the Spanish colonial rulers calling for better treatment and Western Sahara's independence. The protest was bloodily suppressed by the occupation forces. The massacre and ensuing disturbances has been named the *Zemla Intifada*, or uprising, after the place the

demonstration was held. A nation-wide hunt for members of the movement followed: Bassiri himself was arrested and "disappeared" in Spanish custody. He is assumed to have been killed by his jailors, and is counted by the present-day Sahrawi nationalist movement as its first modern-day martyr. The Zemla Intifada is the name for the disturbances of June 17, 1970, which culminated in a massacre by Spanish forces in the Zemla quarters of El-Aaiun. After the crushing of the Harakat Tahrir, Sahrawi nationalists abandoned the hope of a peaceful end to colonial occupation. In May 1973 the militant Front formed under the leadership of El-Ouali, calling for armed revolution against Spanish rule.

First Intifada.

Since the death of Moroccan King Hassan II in July 1999 and the ascension of his son King Mohammed VI, Morocco has experienced some political liberalization, including improvements in the Moroccan government's handling of human rights complaints. The positive political space created by the death of King Hassan and removal of his right hand man, former Interior Minister Driss Basri (called "Butcher Basri" by many Sahrawis and Moroccan human rights leaders) allowed for the formation of an unprecedented number of civil society organizations. In November 1999, former Moroccan political prisoners and disappeared created the Forum for Truth and Justice, which pressed for more government action on past injustices suffered by Moroccan political oppositionists during the King Hassan reign²⁶. Despite the promises and the hope offered in the early months of King Mohammed's reign, widespread social discontent erupted in the Moroccan-occupied city of Al-'Ayun in September and October 1999. Dozens of Sahrawi students organized a sit-in demonstration for more scholarships and transportation subsidies to Moroccan universities. The students set up tents where they held a constant vigil in Zemla square in Al-'Ayun, similar in purpose to the "tent cities" created by Ukrainian and Lebanese opposition movements recently as the site of mass sit-ins. Former Sahrawi political prisoners seeking compensation and accountability for state-sponsored "disappearances" soon joined the nonviolent vigil, along with Sahrawi workers from the phosphate mines at BouCraa, and Sahrawi members of the militant Moroccan Union of Unemployed University Graduates. For twelve days the protestors occupied a square in front of the Najir Hotel, which houses a large proportion of MINURSO's²⁷ personnel. During the 1999 uprising the Sahrawi organizers deliberately avoided overt political slogans, deciding beforehand to limit their demands to social and economic claims for Sahrawis.



Salka Barca, an ethnic Sahrawi who was born in the occupied territory, grew up in a refugee camp in Algeria, and now lives in the United States, where she administers a Sahrawi web-based chat room, said, *“The goal at this stage was to test the waters and gauge Morocco’s reaction. The leaders wanted to see how quickly Moroccan security forces would respond to the demonstrations and what they would do. It was meant to be a preparation for larger demonstrations in the future”*²⁸. After twelve days of nonviolent sit-ins, the Moroccan authorities moved in to break up the tent camp. Moroccan police beat and tear-gassed demonstrators. Dozens were arrested and some were reportedly dumped in the desert miles out of town. Five days later, with the population increasingly radicalized as a result, a larger demonstration staged, which included pro-referendum and pro-independence slogans. U.S. State Department reports accused Moroccan forces of using “excessive violence” to disperse the demonstrations and “encouraging gangs of local thugs to break into and vandalize the homes and places of businesses of some of the city’s Sahrawi residents”. In a surprising turn of events, during the 1999 *Intifada*, Moroccan citizens from the shantytowns on the outskirts of Al’Ayun actually joined in Sahrawi uprising²⁹. The economic thrust of the demonstrations had apparently attracted some poor and disenfranchised Moroccan settlers, especially those of Sahrawi origin³⁰. The joint nonviolent resistance involving Sahrawis and Moroccan settlers was an especially interesting development, because it showed that the cause of self-rule was grounded in political and economic rights as much as ethnic identity. Responding to international criticism following the violent crackdown, the Moroccan government quickly removed the governor and local chief of police following the demonstrations and proposed elections for a new royal advisory council for Saharan affairs. At the same time, the Moroccan government singled out three Sahrawi activists to prosecute as alleged Polisario spies and sentenced them to four-year terms in June 2000. Two months later, Sahrawi human rights activists created a Western Saharan Section of the Forum for Truth and Justice (FVJ) in Al-‘Ayun. This was a branch of the national Moroccan organization that focused on the issue of past political prisoners and “disappearances” of King Hassan’s regime³¹. The FVJ’s Sahara Branch was the first ever Sahrawi-led organization dealing with rights issues - the Moroccan government banned it three years later, claiming it had committed acts of “separatism.” Since that time, the political space for Sahrawi activism in the Western Sahara has been extremely curtailed.

Second Sahrawi Intifada; A Nationalist Uprising.

The seeming calm in the Western Sahara following the 1991 cease-fire masked a high level of frustration shared by Sahrawis, particularly the large youth population, living in the occupied territory and in the camps. From 1999 to 2005, sporadic and small demonstrations continued to occur in the Western Sahara. Tensions grew substantially from the summer of 2004 to the spring of 2005



when the United Nations-led peace process ground to a complete standstill and UN envoy James Baker called it quits. Then, in May 2005, the situation exploded. Morocco unwittingly triggered the second Sahrawi Intifada when it initiated the transfer of a well-known Sahrawi prisoner from Al-‘Ayun to southern Morocco. The prisoner’s family and a small group of Sahrawi activists outside the prison staged a small demonstration on May 23, claiming that this move would make it nearly impossible for the family to visit their imprisoned son. After Moroccan authorities forcefully dispersed this protest, a larger demonstration was organized later in the day. Sahrawis soon shouted pro-independence slogans and flew Polisario flags (an illegal act); some burned tires and threw stones at the Moroccan security forces. A violent crackdown against the demonstrators provoked larger demonstrations in the Sahrawi neighborhoods of near the squares of Zemla and Ma’atallah. After several hours Moroccan soldiers and military police invaded and besieged the neighborhoods. Several homes were ransacked, the crowds were forcefully dispersed, and dozens of activists were arrested and imprisoned. The next day, demonstrators took to the streets in even larger numbers. The uprising spread to Smara and Dakhla, as well as to the southern Moroccan cities of Tan Tan and Assa. In the Moroccan universities of Agadir, Marrakesh, Casablanca, Rabat and Fez, Sahrawi students organized solidarity demonstrations and condemned the repression against their co-nationals in occupied Western Sahara. After a week of clashes, more than one hundred Sahrawi students had been detained. Sahrawi activists arrested by Moroccan forces soon went on hunger strike to protest their conditions in prison and the grounds of their arrest.

After fifty days of the hunger strike, the activists were reunited in Al-Ayouun’s “Black Prison.” Yet even with the well known nationalist activists in prison, smaller demonstrations continued in the following months, including almost nightly clashes between Sahrawi youth and Moroccan police. At the end of October, Moroccan security agents beat a Sahrawi youth to death. Hamdi Lembarki was hailed as the *Intifada*’s first martyr. Several more brutal deaths followed, placing a chill over Western Sahara. During a massive funeral procession in early January 2006, the Polisario’s flag was draped over Lembarki’s coffin. This was followed by the release of Aminatou Haidar³² from prison.



Aminatou Haidar receiving JFK Human Rights Award in 2008

Haidar, a charismatic mother of two who has spent years in Moroccan prisons, is known as the “Sahrawi Gandhi” by many Sahrawis. Haidar is outspoken in her insistence that the Sahrawi struggle use nonviolent methods and has declared publicly that she harbors no ill

will towards Moroccans. Since she was first imprisoned in 1987 after leading a women's-led nonviolent protest against the Moroccan occupation, she has developed close relations with international media and human rights organizations. Haidar's release from prison, which was helped by an international solidarity movement that coalesced around her cause, was met with a massive display of Polisario flags, pictures of Polisario's leader (Mohammed Abdelaziz) and even Palestinians kuffiyas³³.

2.2.2.2 Consolidating International Solidarity and Morocco's High Handedness.

Since 1975, Morocco has maintained stringent control over the flow of information into and out of the Western Sahara, mostly by restricting media access to the occupied territory. After the outbreak of the 2005 *Intifada* several foreign delegations, composed mostly of Spanish politicians and solidarity activists, were turned back at the airport. Al-Jazeera, the Arabic satellite news channel, was barred from entering Al-'Ayun. Moroccan authorities expelled one Al-Jazeera journalist who had just arrived to cover a report on the situation in Western Sahara and Moroccan journalists were held in custody before being released. In the absence of free media in occupied Western Sahara, Sahrawi activists have been savvy users of alternative media and communications technology. Images of Morocco's violent crackdown against unarmed Sahrawi protestors taken with digital cameras and cell phones quickly reached international audiences. International outrage at the Moroccan regime was sparked when photos from inside the Black Prison circulated on the Internet. Some of the photos, taken from a camera-phone during the height of the demonstrations, showed the prisoners crammed into a tiny room, sleeping on the floor, and even in toilet stalls. Even the strictly controlled domestic media in Morocco printed critical articles. In Spain, with its close cultural and colonial ties to Western Sahara, solidarity groups have been especially active in demanding that their government pressure the Morocco to uphold its obligations under international law. Activists from pro-Sahrawi solidarity groups staged demonstrations in Seville and Almeria to protest the violent repression against Sahrawi protestors during the May uprising. The Spanish Human Rights League (SHRL) condemned Morocco for violating the fundamental human right of free speech and assembly in Western Sahara. A few Moroccan journalists and activists have also paid a heavy price for their outspoken criticism of King Mohammed's regime. At the end of last year, Moroccan journalist Ali Lmrabet, well known for his political satires and critiques of the Moroccan government in French and Arabic weekly magazines, was banned from practicing as a journalist for ten years³⁴. Lmrabet, who criticized the government's propaganda on Western Sahara and visited the Sahrawi camps in Algeria, was banned from reporting in Morocco after he dispatched reports from the camps. Although very few Moroccans openly support Western Saharan independence (to do so publicly is illegal) there has been cooperation



between Moroccan human rights organizations and Sahrawi activists³⁵. Western Sahara nevertheless remains a largely taboo topic in Morocco.

2.2.2.3 Rise of the Concept of Self Determination and Its Interpretation.

The doctrine of “self determination”, under which defined groups of peoples were considered entitled to determine their own future free from coercion in the form of colonization or annexation by others, has been one of the pillars upon which the establishment of the UN rested. At least two Articles of the UN Charter recognize some form of the principle of self determination for at least certain population groups, including colonies³⁶. In 1960 the UN General Assembly proclaimed that “all peoples have a right to self determination” in a Declaration on the Granting of Independence to Colonial Countries and Peoples, better known as Resolution 1514³⁷. A year later, the General Assembly set up a special watchdog committee, the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, better known as the Committee of 24, to monitor progress toward decolonization. From 1960 onward the principle enunciated by Resolution 1514 was applied by the world community through United Nations resolutions to the liberation struggles of a number of third world peoples, the last being East Timor in 1999. In 1963 Western Sahara was included on the UN’s list of territories to which Resolution 1514 applied and from that date forward the question of the right of the inhabitants of Spanish Sahara to disengage themselves from Spanish rule and determine their own political future began to be discussed frequently in Committee and General Assembly plenary sessions. On October 16, 1964 the Committee of 24 passed what was to be the first of a number of resolutions calling on Spain to implement the Sahrawis right to self determination³⁸. One year later the General Assembly followed suit³⁹.

The General Assembly resolution reaffirmed the ‘inalienable right’ of colonial peoples to self determination in accordance with the principles embodied in Resolution 1514(XV), and urgently requested Spain, as the Administering Power, “. . . to take immediately all necessary measures for the liberation of . . . Spanish Sahara from colonial domination.”⁴⁰ The General Assembly resolution passed in 1965 envisioned the decolonization of Western Sahara through a process of negotiation between Spain and the Committee of 24. No mention was made in that resolution to the process of self-determination by the indigenous peoples themselves through a referendum or other such means. The question of the means by which the peoples of Western Sahara were to exercise their right to self-determination – and the first reference to a right to a referendum – was not addressed until the passage of Resolution 2229 (XXI) in 1966⁴¹. This statement by the General Assembly was to form the model for all subsequent resolutions until 1974⁴². It affirmed the right of the Sahrawi people to self-determination as a legal right incident to the decolonization of the territory, and stipulated that such self-determination would be carried out through a referendum conducted under the auspices of the United Nations. It further stipulated that the privilege of voting in the

referendum would be extended only to indigenous Sahrawis, with exiles permitted to freely return to the territory in order to vote. It invited Spain “. . . to determine at the earliest possible date . . . the procedures” for this referendum “with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination.”

This resolution, like the resolutions which had preceded it, fell on deaf ears in Spain, which first adopted the position that its African territories as provinces of metropolitan Spain, were not subject to self-determination⁴³, and later the position that because of the nomadic nature of the population and the physical features of the territory, preparations for an act of self-determination by the Sahrawi people could not be hurried⁴⁴. However, Morocco, which by the late 1950s had begun publicly to claim the territory as its own and presumed that the inhabitants of Western Sahara would welcome rejoining the “motherland”⁴⁵, actually embraced the resolution and took the initiative in 1966 in proposing that the Sahara and other Spanish colonies should as soon as possible be granted their independence from Spain⁴⁶. Mauritania, which also expressed claims to the territory, advanced the same position, but added that “independence” meant independence not only from Spain, but also from Morocco⁴⁷. The essence of Resolution 2229 (XXI) was repeated in six additional resolutions adopted by the General Assembly between 1967 and 1973⁴⁸. The General Assembly avoided referring to the future status of Western Sahara in its resolutions during this period. However, by 1972 a number of observers had concluded that self determination would lead to independence⁴⁹.



The General Assembly acknowledged this by reaffirming in Resolution 2983(XXVII) not only the right of the Sahrawi people to self-determination, but also to independence⁵⁰. The principle of “self-determination” was quickly embraced by the colonies of Africa and newly emerged African states. In the late 1960s the Organization of African Unity (OAU), which later was to become the African Union (AU), was established. In line with its dedication to the total emancipation of the African territories from colonial rule, it also began to urge Spain to disengage itself from the Sahara and to support the idea of a referendum for the inhabitants of the region. In 1969 and 1970 its Council of Ministers adopted resolutions which simply urged Spain to implement the UN resolutions on Western Sahara. By 1972, however, it was spelling out its policy on the territory in greater detail, explicitly endorsing the UN’s calls for a referendum. At its nineteenth ordinary session, held in Rabat on June 5-19, 1972, the Council of Ministers called on Spain “to create a free and democratic atmosphere in which the people of that territory can exercise their right to self determination and independence” and requested African states “to intensify their efforts vis-à-vis the Spanish Government to induce it to implement Resolution 2711 of the UN General Assembly and, in particular, its provisions relating to the holding, as soon as possible, of a referendum designed to

enable the population of the Sahara under Spanish domination to freely exercise their right to self determination, in accordance with the principles of the United Nations Charter, under the auspices and with the full guarantees of that international organization.”

2.2.2.4 Sahrawi Nationalism and Aftermath.

The Spanish government’s commitments to self-determination as a means to ward off the predatory designs of neighboring governments helped foment a “nationalist consciousness that was later to rebound against the Spanish” in the late 1960s⁵¹. The leadership of the anti colonial movement of this period was “markedly different in background and experience” from the nomads who led the Sahrawi guerilla forces ten years earlier, and the aged Shiekhs who presided over the *djemma* convened by the Spanish, and by and large reflected the social and political revolutions that had characterized the “60s” in other parts of the world. One of the earliest members of this group was Mohammed ould el Hadj Brahim ould Lebssir, known as Bassiri. He had sown the seeds of a movement dedicated to achieving the independence of Western Sahara from Spanish dominance. The leaders of this movement were, like Bassiri, educated – often at universities in Morocco⁵² – and young. They distained the tribal allegiances of old and sought to establish a new trans-Saharan allegiance based on principles of democracy and equality. They initially formed a loosely structured collective in Rabat, attempting to win the support of opposition groups in Morocco.

However, they quickly parted company with these groups and concentrated on mustering support within Western Sahara itself and among likeminded Sahrawis in other centers of the Sahrawi diaspora. Political turmoil in Morocco in the early 1970s coupled with lukewarm support for their movement among the Moroccan liberation movement forced them to abandon their base in Morocco and regroup in Zouerate, Mauritania, where they continued to enlist support among Saharawi groups. On May 10, 1973, these young leaders formed the Frente Popular para la Liberacion de Saguia el Hamra y Rio, or Polisario, and immediately launched a guerilla campaign against the Spanish that was to culminate in the sabotage of the Fosbucraa conveyor belt, which temporarily halted all phosphate deliveries to the coast, in 1974⁵³. In a manifesto adopted at their second congress, in August of 1974, the group defined for the first time their goals, declaring that “*the Sahrawi people have no alternative but to struggle until wresting independence, their wealth and their full sovereignty over their land*”⁵⁴. The program of national action they adopted demonstrated both their desire to be independent from religious and



political domination and the effects of the philosophical movements of the 1960s; it called for a “*fair distribution of resources, to overcome the differences between the countryside and the towns*” the provision of adequate housing and health facilities, the incorporation of Arabic in education and the provision of free, compulsory schooling at all levels and for all social layers.

There was a strong commitment to the principle of women’s emancipation and a democratic form of government⁵⁵. The leaders of the Polisario movement rejected any notion of integration into Morocco; that would mean not only integration with peoples with whom they felt no communal bonds, but also integration into a type of government – an absolute monarchy – that they considered anathema both to the traditional independence of the Saharan tribes and to the Western style democratic institutions they wished to introduce into the society. Moreover, they felt that there was little evidence in 1974 of support among the masses of Sahrawis for the idea of integration with Morocco – a belief that was to be supported a year later by a visiting UN commission. To emphasize their commitment to independence, the Polisario in 1974 sent a letter to King Hassan, warning him not to proceed with his claims to the territory⁵⁶. This letter, however, fell on deaf ears, for by the time the Polisario was created the King of Morocco had fully embraced the concept of “Greater Morocco.”

2.2.3 Moroccan Plight in the Conflict. On the part of Morocco, this rising nationalism among the Sahrawis causes consternation.

2.2.3.1 The Concept of Greater Morocco.

The concept of “Greater Morocco” – or a Morocco that would encompass all lands and peoples that owed any allegiance to the Sultan in pre-colonial days – was first espoused by one of Morocco’s main opposition parties – the Istiqlal Party – shortly after Morocco first claimed independence from the French in 1956. The Istiqlal Party⁵⁷ was formed in Morocco during the 1950s as an anti-French liberation movement. After a brief period in the 1960s in which it became part of the government of King Hassan, it became the leading opposition party in Morocco. According to its founder and the earliest proponent of the greater Morocco cause – Allal el-Fassi - and based upon the alleged influence of the Alaouite Sultans in Western Sahara, Mauritania and Algeria, Morocco’s true southern border was the Senegal River, and much of present day Algeria, Mauritania and, of course, Western Sahara, were properly speaking part of the lands that belonged to Morocco⁵⁸. At first the expansionist calls of the Istiqlalians were ignored by the King of Morocco. However, the idea quickly gained momentum among the masses, and eventually the King began to claim the policy as his own⁵⁹. Mohammed V officially embraced the cause of Greater Morocco toward the end of 1957, when, at the UN, Morocco laid claim to Ifni, Mauritania and Western Sahara⁶⁰. Mohammed V first publicly endorsed the claims to Western Sahara in a speech on February 25, 1958, just as the combined Franco-Spanish forces had managed to subdue the Sahrawi freedom

fighters. Throughout the 1960s under the banner of Greater Morocco the Moroccan government continued to lay claim to these territories as well as to a large chunk of Algeria and the Spanish presidios on the Mediterranean coast. When Mauritania became independent from France in 1960, Morocco tried to block its admission to the UN - claiming in an argument that foreshadowed its later argument about Algeria and Western Sahara, that France was trying to create an artificial state in Mauritania, run by handpicked yes-men, so that it could exploit its minerals -- and withheld diplomatic recognition for nine years on the basis of its assertion that it was rightfully part of Morocco⁶¹.

When Algeria finally achieved independence in 1962 after eight years of bloody war with France, it had to fight a brief war with Morocco to fend off an attempt by Morocco to seize Tindouf by force. Despite these public proclamations, however, when the UN started to champion the cause of self determination for Western Sahara, the King accommodated the UN's position, causing Morocco in 1966 to endorse the UN resolutions calling for a referendum of self determination without relinquishing its historic claim to the territory. His seeming capitulation over the issue, however, inflamed nationalists of the Istiqlal party. *"We are absolutely opposed to any attitude, even one explicable for tactical reasons, which could engender confusion and put in question the integrity of Moroccan territory to the slightest extent"* wrote the party paper *L'Opinion* on July 22, 1966. Many Moroccan nationalists cited as evidence of a Greater Morocco encompassing the Sahara the participation of the Reguibat and Tekna in the Army of Liberation's Sahara campaign and the allegiance of several prominent Mauritians with Morocco in 1956-58. However, the proponents of the theory never made a serious attempt to justify it on the basis of the wishes of the inhabitants of the region.

2.2.3.2 Moroccan Plan of Occupation - The Green March.

In 1974 the conflicting forces of Sahrawi nationalism, Moroccan expansionism, and international pressures for the decolonization of the African continent utilizing the principle of "self determination" finally collided. Faced with the Polisario sowing the idea of independence among Sahrawis both inside and outside the territory, and the



Moroccan and Mauritanian governments pursuing their contrary claims on the diplomatic front, the Spanish, under the leadership of General Franco, came to the conclusion that the wisest course of action was to prepare Western Sahara for internal "autonomy" – on Spanish terms – as a preliminary stage in the process of a form of

“independence” that would not compromise Spanish interests in the territory. A census, for the first time identifying the inhabitants of the territory was prepared in 1974⁶² following the devolution of some internal power to the *djemma* of tribal Shiekhs, and in August of 1974, eight years after first being urged to do so by the UN General Assembly, the Spanish government informed the Secretary General of the UN that it would hold a referendum under UN auspices during the first six months of 1975⁶³. In reaction to this Spanish declaration, and after more than a decade during which he supported the proposal of a “referendum,” King Hassan II reversed course. In a Youth Day speech in 1974 the King reasserted Morocco’s historic claim to the Sahara, threatened general mobilization if necessary “to recover the usurped territories” and intensified propaganda efforts both at home and abroad to muster support for Morocco’s claims. Rather than submit the question of Western Sahara to decolonization under the then prevailing United Nations guidelines, Hassan proposed that Morocco’s claim to the territory be referred to the ICJ. After some initial reluctance Mauritania, which had also claimed part of the territory, agreed to join the suit, and together they persuaded the General Assembly’s Fourth Committee to pass a resolution requesting the General Assembly to postpone the referendum in order to seek the Court’s advisory opinion on the subject⁶⁴. On December 13 the General Assembly issued a resolution approving the Fourth Committee’s recommendation⁶⁵. However, in addition to mandating the postponement of the referendum and requesting the International Court of Justice to issue an advisory opinion on the claims of Morocco and Mauritania, the General Assembly agreed to dispatch a UN visiting mission to the Sahara, charged with obtaining “*first hand information on the situation . . . including . . . the wishes and aspirations of the people*”⁶⁶. The Mission came and a few days after the publication of the Mission’s report, the ICJ rendered its opinion⁶⁷.

The questions referred to the Court had been narrow: to determine whether the Territory, prior to the Spanish colonization, was *res nullius*, or without legal tie to a sovereign, and to determine what ties existed at the time of Spanish colonization between the Territory and Morocco and/or Mauritania. After an examination of evidence of political, military, religious, and economic ties between the claimants and the inhabitants of the territory before Spain’s arrival, the judges found that “the information before the Court does not support Morocco’s claim to have exercised territorial sovereignty over Western Sahara.”⁶⁸ The Court explained that while the evidence showed that the Sultan exercised “*some authority*” over “*some, but only some,*” of the nomadic tribes of the region, it “*does not establish any tie of territorial sovereignty between Western Sahara and that State. It does not show that Morocco displayed effective and exclusive State activity in the Western Sahara*”⁶⁹. The Court’s response to Mauritania’s claim was essentially the



same⁷⁰. Morocco's reaction to the Court's decision was to issue a press release on October 16, 1975, claiming that the opinion of the Court meant that "*the so-called Western Sahara was part of Moroccan territory . . . and that the population of this territory considered themselves and were considered to be Moroccans. . . .*" and that Morocco's demands had been "recognized" by the "legal advisory organ of the United Nations"⁷¹. Two days later Morocco announced that there would be a massive march of 350,000 civilians from Morocco into Western Sahara to gain recognition of Morocco's right to national unity⁷². Although the King characterized the march as a peaceful means by which Morocco could achieve international recognition of its right to national unity and territorial integrity, a number of international observers have suggested that the ultimate purpose of the march was to put pressure on Spain into negotiating with Morocco and Mauritania concerning sovereignty over Western Sahara before the General Assembly could make the necessary preparations for the referendum⁷³. On November 6, 1975, an important date in the saga of Western Sahara, the Moroccan march, deemed the "Green March" after the holy color of Islam, crossed the frontier, causing consternation within the UN⁷⁴. That same day Morocco informed Spain that the March into Western Sahara would continue unless Spain agreed to bilateral negotiations concerning a transfer of sovereignty over Western Sahara to Morocco⁷⁵. As a result of the deteriorating situation in Western Sahara, and despite indications that the population supported the aims of the Polisario, Spain decided to accede to Moroccan pressure to negotiate a political solution to the problem. On November 14 the governments of Morocco, Mauritania and Spain issued a joint communique notifying the world of certain agreements reached as a result of negotiations on the Western Sahara issue. Although the terms of these agreements – later dubbed the "Madrid Accords"⁷⁶– remained secret, a number of commentators concluded that Spain had agreed to withdraw from the territory and permit it to be partitioned between Morocco and Mauritania in return for an interest in Fosbucraa, the 700 million dollar Saharan phosphate industry, as well as certain concessions on fishing rights off the Saharan coast⁷⁷. Although the agreement officially referred only to an "interim administration" which would involve Morocco, Mauritania, and the Djemaa as well as Spain, commentators have suggested that its real intent was to transfer power to Morocco and Mauritania and to abandon the idea of a referendum⁷⁸.

2.2.3.3 The Seeds of War.

Throughout all of these proceedings the indigenous populations of Western Sahara were never given a voice in any of these negotiations, as they had not been given a voice in discussions about any of the preceding UN resolutions or the case before the International Court of Justice⁷⁹. This did not mean, however, that they remained powerless bystanders. By the time of the Green March, the Polisario had already won the diplomatic support of a number of key African states, most prominently among them Algeria. Algeria, which shares a twenty five mile border with Western Sahara, had become alarmed by King Hassan II's decision to launch the Green March and by his

reassertion of the principle of "Greater Morocco." By 1975 Algeria began aiding Polisario and voicing strong opposition to Moroccan policy⁸⁰. Libya, too, denounced the Moroccan move and championed the right of Sahrawi self determination. On February 27, 1976, one day after the formal termination of the Spanish administration pursuant to the Madrid Accords, the Polisario announced the formation of the Saharan Arab Democratic Republic (SADR)⁸¹. The diplomatic gains of the Polisario in the corridors of the UN were cut short, however, by Morocco's *fait accompli* in sending thousands of marchers to take possession of the territory, and following the Green March these diplomatic endeavors quickly gave way to military action. By the time the Madrid communique was issued, fighting had already broken out between Polisario troops and Moroccan and Mauritanian forces; this fighting quickly escalated as Morocco and Mauritania sent troops into Western Sahara to occupy the land. The Polisario were powerless to prevent the occupation of the towns; instead, they concentrated on harassing the Moroccan and Mauritanian forces through the *ghazi* raids of their forefathers – this time using anti aircraft machines mounted on Land Rovers rather than swords on horses⁸². However, their priority during the initial stages of the conflict was not military action, but rather the evacuation and resettlement of the thousands of refugees – the majority of the Sahrawi population - who were streaming out of the towns. With the help of Algeria, which provided the Polisario with bases, training and equipment, they created refugee camps in Algeria near Tindouf.

When the Polisario were finally able to concentrate on fighting they concentrated on the weaker of their two adversaries – Mauritania - and after some spectacular successes forced the Mauritanian government in 1979 to sign a peace agreement renouncing its territorial claims. Turning their full force northward towards Morocco, the Polisario then struck Moroccan outposts both within the territory and in Morocco itself. The year 1979, according to Hodges, witnessed some of the largest and bloodiest battles of the war, in which the Polisario fielded as many as three thousand or even five thousand men at a time⁸³. In order to contain the Polisario troops, the Moroccans built a sand wall, or "berm" across the desert, sealing off the entire northwestern corner of the territory. By the end of 1981 the berm enclosed roughly one sixth of the land mass of Western Sahara; the rest of the territory had been totally abandoned. The Polisario were winning battles on the diplomatic front as well. By 1983, 54 countries from four continents, ranging from communist Cuba and Vietnam to Mexico, Zambia and Venezuela, had granted diplomatic recognition to the SADR. But it was on its own continent that the Polisario gained its greatest support. Morocco's claims to Western Sahara conflicted with the two principal pillars of the OAU, the right of colonial peoples in Africa to self determination and the preservation of the frontiers among African states inherited from the European powers in order to preserve stability in the region. In 1976, in the midst of the fighting, the Council of Ministers of the OAU reaffirmed the inalienable right of the Sahrawi people to self-determination and independence⁸⁴. Then, in 1978, the 15th Ordinary Session of the Assembly of Heads of State and Government of the OAU adopted a resolution establishing an *ad hoc* committee of at least five heads of state to intercede

between the Polisario and Morocco in order to end the conflict⁸⁵. In 1979 this *ad hoc* committee recommended an immediate cease fire and “*the exercise by the people of Western Sahara of their right to self determination through a general, free referendum, supervised by the OAU and the United Nations*, enabling them to choose one of the two following options:

- (1) *Total independence,*
- (2) *Maintenance of the status quo.*⁸⁶

Less than one month later the government of Mauritania concluded a peace agreement with the Polisario in which Mauritania pledged to withdraw from the territory it had occupied. Over the opposition of the Moroccans, the SADR was admitted as the OAU's fifty first member in its session of February 22, 1981, prompting a walk out by the Moroccan delegation and a boycott of activities of the OAU that has lasted to this day. For a while the pro-Polisario camp carried the day in the UN General Assembly as well. On November 21, 1979 a strongly worded resolution was adopted, by 85 votes to 6, with 41 abstentions, affirming not only “*the inalienable right of the people of Western Sahara to self determination and independence*” but also “*the legitimacy of their struggle to secure the enjoyment of that right.*” The resolution deplored “*the aggravation of the situation resulting from the continued occupation of Western Sahara by Morocco and the extension of that occupation to the territory recently evacuated by Mauritania*” and urged Morocco to terminate the occupation of the territory. The Resolution for the first time officially recognized the Polisario as the legitimate representatives of the Sahrawi people⁸⁷. The Polisario momentum, however, was short lived. Not wishing to see the throne of their long standing ally, Hassan II, destabilized both the United States⁸⁸ and France began massive injections of military aid to his regime, permitting Morocco to stem the tide of Polisario military advancements. This in turn inflamed most of the non aligned third world, which began serious campaigns to pressure the UN into action. Bowing to such pressure – and fearing that this tiny armed struggle might erupt into a pan-North Africa conflict - the world powers in turn persuaded the King to agree in 1988 to a diplomatic solution and a cease fire, monitored by the UN and the OAU⁸⁹. The diplomatic solution was dubbed “the Settlement Plan.”

2.2.4 UN Intervention and Military Aspect of the Conflict.

The details of the UN initiatives are discussed in Chapter 6. Here a brief overview of the main accords which drew much criticism and later rejection is highlighted only.

The first version of the plan, called Baker I or the Framework Agreement, was delivered by UN special envoy James Baker in 2000. Although based on Baker's proposals, it was drafted by a Morocco-sponsored legal team. It offered the people of Western Sahara autonomy within the Moroccan state. Except for defense and foreign policy, all other decisions would be the responsibility of local government. Morocco accepted the plan, but Algeria and the Polisario front rejected it. Algeria countered by proposing that the territory be divided between the parties⁹¹.



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The second version (Baker II) envisioned Saharan self-rule in a Western Sahara Authority for a period of five years, with a referendum of the entire population of Western Sahara to follow. A provision that the government of the Western Sahara Authority be elected only by a restricted voters' list alienated Morocco. After Morocco had already rejected Baker II, Algeria and the Polisario front, despite initial hesitancy, accepted the plan. In July 2003, the UN Security Council endorsed the plan, something it had not done with Baker's first draft, and unanimously called for the parties to implement it. The rejection of Baker I and Baker II by the parties prompted Baker to resign, the second UN envoy to Western Sahara to do so. He indicated that there appeared to be no feasible way to implement the peace agreement. Baker's dossier was clear – he was to settle once and for all what had become a protracted and painful diplomatic and legal quagmire for the UN and the major powers. For a while it looked as if he would succeed. In 1997 he brokered an agreement between the two parties, known as the “Houston Accords⁹²”, that



ID Commission at work

resolved an impasse between the parties over applications from members of tribes whose ties to the Territory were disputed, settled some outstanding issues concerning the powers of the UN during the “transitional” period, and promulgated an agreed “Code of Conduct” for the parties during the referendum process. The voter identification process was resumed. In October of 1998 the Secretary General proposed a package of measures to speed up the referendum process and even scheduled a date for the referendum – December 1999⁹³.

However, this progress came to a screeching halt on July 15, 1999 when the initial provisional voters' list established by MINURSO was published⁹⁴. The Identification Commission rejected over 100,000 of the applicants put forth by Morocco⁹⁵. It was clear

to all that if the referendum were conducted on the basis of the 84,251 or so voters deemed eligible by the Commission as of that date, (later, on December 30, 1999, after interviews with applicants from the remaining 3 contested tribal groups⁹⁶, the number was raised to 86,386 out of a total of 198,469 applicants⁹⁷) the result would most likely be a vote for independence. Morocco's first reaction upon hearing the results of voter identification was to lodge over 130,000 appeals⁹⁸ -- but it soon concluded that these appeals would likely not succeed⁹⁹. Faced with the prospect of a referendum that might go against it, and the loss of King Hassan II, who died on July 23, 1999, just days after the provisional voters' list was published, Morocco simply decided to abandon its support for the referendum altogether. The year 2000 saw Morocco admit publicly to the United Nations for the first time what had been suggested by its officials for a long time -- that it would only permit a referendum if an outcome in its favor were preordained¹⁰⁰ -- and the emergence of political pressures to find a solution outside the rubrics of the Settlement Plan -- the so-called "third way." For the first time the Secretary General in his report of February 17, 2000 emphasized the lack of means to enforce the result of a referendum, suggested that it was the time to "consider other ways of achieving" a resolution of the dispute¹⁰¹, and started placing pressure on the parties to accept a settlement based on "quasi autonomy" for the region¹⁰². For the first time the Security Council adopted a resolution calling for the discussion of a mutually acceptable "political solution"¹⁰³. On February 19, 2002, faced with a political impasse, the Secretary General outlined four options and asked the Security Council to make a choice¹⁰⁴. These were:

- (1) Try to implement the Settlement Plan without requiring the concurrence of the two parties,
- (2) Adopt the 'Framework Agreement' and present it to the parties on a non-negotiable basis,
- (3) Explore with the parties the possibility of dividing the territory between them, and
- (4) Terminate MINURSO and admit defeat in resolving the dispute.

The issuance of this report was coupled with intense lobbying by the US government and others to have a Security Council resolution passed that would impose the Framework Agreement upon the Polisario. Once again, however, efforts by the major powers to force a solution upon the Polisario failed. Instead of acquiescing to pressure from the United States and other major powers, the Security Council demurred, reiterating its commitment to the Settlement Plan and its willingness to consider any approach -- as long as it provided for self-determination¹⁰⁵. In January of 2003, in a final attempt to surmount this political impasse Baker submitted to the parties a more finely tuned version of the Framework Agreement dubbed the "Peace Plan"¹⁰⁶. The Peace Plan was not radically different from the Framework Agreement -- both essentially abandoned the provisions of the Settlement Plan and the voters' list established by MINURSO in favor

of a provisional period of “autonomy” for the Territory followed by a “referendum” in which Moroccans as well as Sahrawis would be allowed to vote.

2.2.4.2 Military Aspects of the Conflict.

Since the outbreak of the war in 1975, both sides have received substantial military assistance from foreign powers, including the Soviet Union, Algeria, Libya, Saudi Arabia, France, and the United States. The aim of this chapter is to evaluate the impact of arms sales and other forms of foreign military assistance on the conduct of the war and on the behavior of the two combatant forces. In military terms, the war in the Western Sahara has proceeded through four distinct phases. The first phase began with the Moroccan invasion of the territory in November 1975 and lasted until July 1979. This initial phase of the war was characterized by attacks by mobile Polisario Front guerrillas against the fixed positions of Moroccan troops stationed in the major urban centers. The second phase began in August 1979 when Morocco began using large mechanized army units and its growing air power to take the offensive against Polisario Front forces throughout the territory. This phase lasted until October 1981, when the Polisario Front initiated the third phase of the war by introducing sophisticated anti-aircraft missiles to neutralize Moroccan superiority in the air during the second battle of Guelta Zemmour. This resulted in a decisive Polisario Front victory at Guelta Zemmour and led to a period of Moroccan military paralysis that lasted from October to December 1981. During this third phase of the war, Moroccan forces were virtually inactive and Polisario Front troops enjoyed free movement throughout the Western Sahara. By January 1982, the Moroccan armed forces had recovered from their paralysis, resumed offensive military operations, and began constructing a system of earthen walls to protect their positions. The fourth phase of the war, from January 1982 to the present day, has been characterized by a military stalemate in which neither combatant has been able to gain a significant military advantage. As this brief outline suggests, weapons systems and other kinds of military hardware have had a significant effect on the course of the war. But arms were not the only significant military assistance sold by foreign powers to Morocco and the Polisario Front over the past fifteen years. Foreign powers also provided military training outside the region and sent military personnel into the region to train and assist local forces in the use of sophisticated foreign-supplied weapons systems. In addition, foreign powers played an important financial role in the war by providing a large proportion of the funds required to pay for the arms and other forms of military assistance that Morocco and the Polisario Front have received. The following section examines the impact of the military assistance sold by the United States, France, and the Soviet Union on the two combatants and also on Algeria, which provided substantial support to the Polisario Front.

American Military Assistance to Morocco.

Since the war began in 1975, the United States has sold more than \$750 million worth of military assistance to Morocco through the Foreign Military Sales (FMS) program and an additional \$150 million worth through the Commercial Sales program. This represents about one-fourth of the total foreign military assistance that Morocco has purchased over the past fifteen years. The most visible types of U.S. weaponry sold to Morocco for use in the Saharan conflict were six F-5A and fourteen F-5E jet fighter aircraft. These aircraft were designed primarily to intercept enemy aircraft, not to attack troops on the ground, and were intended for export to Third World countries to defend them against the air forces of aggressive neighbors. The Royal Moroccan Army has also purchased substantial quantities of U.S. military assistance. These have included 420 M-113 armored personnel carriers, 60 Vulcan 20mm self-propelled air-defense guns, 37 Chaparral surface-to-air missile batteries, and 55 towed and self-propelled 155mm howitzers.¹⁰⁷ The economic impact of U.S. military assistance to Morocco was also mixed. The United States did provide more than \$475 million in Foreign Military Financing credits and more than \$200 million in non repayable Military Assistance Program Merger Fund grants to Morocco between 1975 and 1990 for the purchase of U.S. military equipment.¹⁰⁸ But these credits and grants covered only about nine-tenths of the total cost to Morocco of U.S.-supplied military assistance and, of course, the Foreign Military Sales credits have to be repaid with interest, thus reducing spending on economic development and social services and adding to Morocco's debt burden. Repayments, interest, and the costs of sales that were not financed through the credit program were funded either by Morocco itself, adding further to the country's economic problems, or by the government of Saudi Arabia, which has given up to \$1 billion to the Moroccan government annually in non-repayable financial aid. Although U.S. and Saudi grants have softened some of the financial impact of the war on Morocco, the costs of obtaining military assistance from the United States and also from France have still had a substantial economic impact on Morocco. And in 1988, frustrated by Morocco's failure to achieve any significant military or diplomatic successes, the Saudis cut off their subsidy for Moroccan military spending.

French Military Assistance to Morocco.

France has been the other main source of military assistance to Morocco. Since the war began, France has sold more than \$2 billion worth of weaponry and other kinds of military equipment to the Royal Moroccan Armed Forces, roughly half of the total foreign military assistance that Morocco has received over the past fifteen years.¹⁰⁹ As in the case of U.S. assistance, the most visible types of military equipment that Morocco bought from France consisted of sophisticated jet aircraft, specifically twenty-four F-1CH and fifteen of the more advanced F-1EH Mirage fighters. Designed for ground attack operations and equipped with radar warning receivers and electronic countermeasures to defend against SA-6 missiles, these aircraft have proven relatively

effective in attacks against Polisario Front forces operating in the Western Sahara. France has also sold the Royal Moroccan Air Force 24 Gazelle helicopter gunships, equipped with antitank missiles and other ground attack weaponry. According to Lt. Colonel Dean, these attack helicopters have "done some credible work in the war zone flying flank reconnaissance for moving ground forces." The Royal Moroccan Army has also purchased substantial quantities of military hardware from France. This includes 30 AMX-13 light tanks, 360 VAB armored personnel carriers, more than 250 AMX-10RC, AML-90, and AML-60 armored cars, and 100 AMX-F-3 self-propelled 155mm howitzers.¹¹⁰ Along with an undisclosed amount of military training provided by French military instructors in Morocco and in France, these sales of French military equipment have had an important impact on the Saharan war. In particular, the French-produced Mirage aircraft have given Morocco an essential ability to launch aerial operations against Polisario ground forces, while French-produced ground equipment have provided the Royal Moroccan Army with some of the vital mobility and firepower it needed to attack Polisario forces outside of the earthen walls in the Western Sahara.

Soviet Military Assistance.

The Polisario Front, on the other hand, has received most of its military equipment from Algeria and--until it was cut off in 1983--from Libya, and these countries obtained it, in turn, from the Soviet Union. The quantities and costs of the military assistance that Algeria and Libya provided to the Polisario Front were relatively small, but included such powerful weapons as SA-6 and SA-7 surface-to-air missiles, ZSU-23 self-propelled 23mm anti-aircraft guns, antitank weapons, artillery, BMP1 armored cars, and a small number of T-54 and T-55 tanks.¹¹¹ Although it is impossible to quantify the level of military assistance provided to the Polisario Front by Algeria and Libya, the delivery of these weapons beginning in 1981 made it possible for Polisario forces to defend themselves to a certain extent against Moroccan aerial attacks and to counter the firepower of Moroccan strong points along the earthen walls. Without this weaponry, it would have been much more difficult for Polisario forces to move about in the Western Sahara or to launch effective attacks on Moroccan positions along the earthen walls. It is also necessary to consider the sale of Soviet military assistance to the government of Algeria. Since 1975, Algeria has bought nearly \$8 billion worth of military assistance from the Soviet Union, along with smaller amounts of equipment from the United States and France. This equipment has included 400 T-62 and T-72 tanks, 320 BTR-50, BTR-60, and BTR-152 armored personnel carriers, 920 BRDM-2, BMP-1, and BMP-2 armored cars, 65 SA-6 surface-to-air missiles, 18 SU-7 and 20 MiG-23 ground attack aircraft, 35 MiG-21 fighters, 15 MiG-23 fighters, and 18 MiG-25 fighters, 48 MiG-24 helicopter gunships, and 17 U.S.-supplied C-130 transport planes. In addition, the Soviet Union has sent one thousand military personnel to Algeria to train Algerian troops and maintain Soviet-produced military equipment.

2.2.4.3 The Role of Foreign Military Assistance and its Effect – An Analysis.

Having examined the impact of foreign military assistance on Morocco, the Polisario Front, and Algeria, it is necessary to consider the role that foreign military powers played in determining both the course of the Saharan war and the current military and diplomatic posture of the combatants. To begin with, the statistics on foreign military assistance in Tables 1, 2, and 3 demonstrate that neither the United States, France, nor the Soviet Union exercised much restraint in supplying military assistance, despite the economic costs imposed on the combatants and on friendly states in the region. In order to prevent the military defeat of the side they supported, foreign military powers were willing to provide them with almost any weapons and other military assistance they needed.

Sources of Arms Deliveries to Algeria and Morocco, 1975-1987
(Deliveries in Millions of Current Dollars)

	Total	Soviet Union	United States	France	Other
Algeria					
1975-1979	1,900	1,500	--	10	430
1978-1982	3,800	3,200	--	30	500
1982-1987	3,230	2,500	240	60	430
Morocco					
1975-1979	1,400	20	310	725	360
1978-1982	1,900	--	470	1,100	325
1982-1987	840	--	260	310	270

Table1

Source: U.S. Arms Control and Disarmament Agency, *World Military Expenditures and Arms Transfers, 1970-1979* (Washington, D.C.:Government Printing Office, 1982); *World Military Expenditures and Arms Transfers, 1972-1982* (Washington, D.C.: Government Printing Office, 1984); and *World Military Expenditures and Arms Transfers, 1988* (Washington, D.C.: Government Printing Office, 1989).

Annual Value of Arms Imports, 1977-1987 (Imports in Millions of Current Dollars)

	Algeria	Morocco
1977	600	300
1978	800	440
1979	550	470
1980	725	350
1981	1,200	340
1982	1,200	270
1983	675	320
1984	775	200
1985	480	110
1986	600	80
1987	700	130
Total	8,305	3,010

Table 2

Source: U.S. Arms Control and Disarmament Agency, *World Military Expenditures and arms Transfers, 1988* (Washington, D.C.: Government Printing Office, 1989).

Dhaka University Institutional Repository
U.S. Arms Sales and Deliveries to Morocco, 1976-1990

(Sales and Deliveries in Thousand of Dollars)

	1976	1977	1978	1979	1980	1981
FMS						
Agreements	95,583	27,466	6,465	2,646	251,483	25,491
FMS						
Deliveries	15,827	33,730	86,173	132,116	50,827	123,761
	1982	1983	1984	1985	1986	1987
FMS						
Agreements	10,235	63,122	32,195	63,403	28,294	34,345
FMS						
Deliveries	55,776	50,123	68,628	49,446	37,048	42,951
	1988	1989	1990	Total		Undelivered
			(est.)	1976-1989		Balance
						(1990)
FMS						
Agreements	92,402	19,089	20,00	752,219		123,629
FMS						
Deliveries	74,367	33,822	---		854,595	---

Table 3

Source: Defense Security Assistance Agency, *Foreign Military Sales, Foreign Military Construction Sales and Military Assistance Facts* (Washington, D.C.: Defense Security Assistance Agency, 1985, 1987, 1988, and 1989); and Defense Security Assistance Agency and Department of State, *Congressional Presentation for Security Assistance Programs, Fiscal Year 1991* (Washington, D.C.: Defense Security Assistance Agency and Department of State, 1990).

My own examination of the evolution of the war in the Western Sahara reveals that the fluctuations in the deliveries of foreign military assistance did not reflect restraint on the part of foreign arms suppliers. Instead, changes in the levels of military assistance provided by foreign powers were the result of changes in the international situation, in the internal politics of the foreign powers involved (particularly in the United States), and in the ability of Morocco, the Polisario Front, and Algeria to pay for expensive weapons systems and to absorb them into their military arsenals. For example, the dramatic shift in the policy of the Carter administration toward the delivery of military

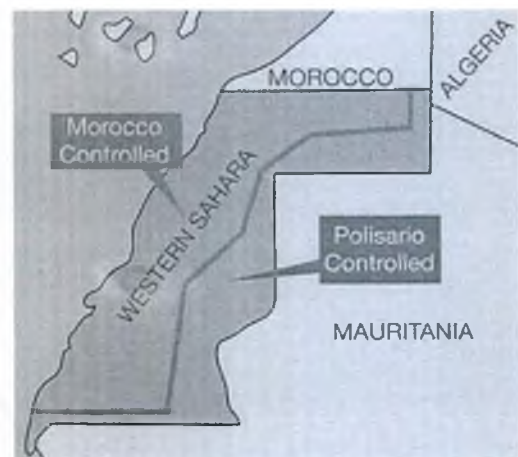
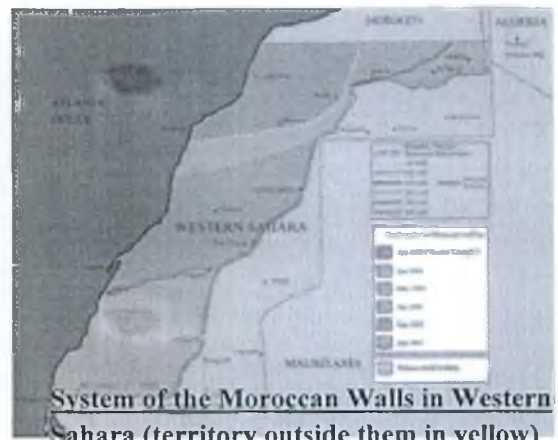
assistance to Morocco for use in the Western Sahara in September 1979 was primarily the result of the exaggerated and almost hysterical concern about the stability of the Moroccan government that arose in Washington immediately after the overthrow of the Shah of Iran in February 1979. Thus, in the summer of 1979, reports prepared by both the State Department and by the Central Intelligence Agency argued that King Hassan faced both a possible military coup and mounting popular opposition, and suggested that unless he won a quick victory in the Western Sahara he would probably be overthrown within five years. The shift in the arms sales policy of the Carter administration was also the result of significant changes within the administration itself, especially the resignations of the United Nations representative Andrew Young and of Secretary of State Cyrus Vance, which removed the influence of policymakers opposed to supplying military assistance to Morocco for use in the desert war. This left policy under the control of National Security Adviser Zbigniew Brzezinski and other policy makers who insisted on the necessity of supporting King Hassan. Furthermore, the statistics on arms transfers to both Morocco and Algeria indicate that foreign powers dramatically increased their deliveries from 1978 to 1982, as both sides sought to gain a military advantage and the war escalated, and that deliveries leveled off after 1982, as each side settled into a war of attrition and foreign powers worked to maintain the military capabilities of the side they supported. In this regard it is important to note that the relatively low proportion of military assistance provided to Morocco by the United States, compared with that provided by France, does not indicate restraint on the part of the U.S. government. Instead, it reflects the fact that the Moroccan government now prefers to buy the more effective French-produced Mirage rather than the American-produced F-5 Phantom fighter when it purchases combat aircraft, which are the most expensive type of military equipment. Indeed, my examination of arms deliveries indicates that foreign arms suppliers were actually willing to provide Morocco and Algeria with as much weaponry as they could absorb and afford and even, in some cases, more than they wanted. Both combatants received as much, if not more, military assistance as they could effectively use. But this foreign military assistance did not give either combatant a significant military advantage. Instead, the unrestrained flow of foreign military assistance made it impossible for either side to achieve a military solution to the conflict, and by 1982 it had produced a complete military stalemate.

On the other hand, once a military stalemate had developed, no foreign military power showed any inclination to seek a military victory for either side. Given the military balance between Morocco and Algeria, any attempt to resolve the conflict militarily would have risked provoking a general regional war or direct military intervention by a foreign military power, and neither the United States, France, nor the Soviet Union were willing to take this risk. They were willing to escalate the war, but only up to the point where it threatened to involve them directly. The impact of foreign military assistance, thus, has been to significantly increase the destructiveness of the Saharan war and the economic burden that the war imposed on the combatants and their regional supporters

without shortening its duration or giving victory to either side. This was not the intention of the United States, France, or the Soviet Union. But all of the foreign powers involved preferred an endless war of attrition to a negotiated solution that did not favour the side they supported. Consequently, foreign military powers continued to provide greater and greater quantities of military assistance in the hope that this would persuade the other side to give up and accept an unfavorable settlement. Instead, this created a regional arms race that has continued up to the present day and that has encouraged both sides to seek to use their military resources to wrest political concessions from the other side. Despite recent movement toward a negotiated solution to the war, including the efforts of the United Nations to mediate between the two combatants, the initiation of direct talks between the Moroccan government and the Polisario Front in January 1989, and a unilateral cease-fire declared by the Polisario Front during the month of February 1989, neither side has truly abandoned the hope that continued fighting will gain them a political advantage.

Morocco's Military Intervention to Contain Polisario Rebels - The Sand Wall (Berm)¹¹².

The Berm known as the Moroccan Wall) is an approximately 2,700 km-long defensive structure, mostly a sand wall (or "berm"), running through Western Sahara and the southeastern portion of Morocco. It acts as a separation barrier between the Moroccan-controlled areas and the Polisario controlled section of the territory that lies along its eastern and southern border. Parties sympathetic to Western Sahara's independence and the Polisario often use the Polisario's term, the "Wall of Shame". Physically, the berm is a two meter high wall (with a backing trench), which rides along a topographical high point/ridge/hill throughout the territory. Spaced out over every five kilometers are a big, small and medium base, with approximately 35-40 troops at each observation post and groups of 10 soldiers spaced out over the distance as well. About four km behind each major post there is a rapid reaction post, which includes backing mobile forces (tanks, etc). A series of overlapping fixed and mobile radars are also positioned throughout the berm. The radars are estimated to have a range of between 60 and 80 km into the Polisario controlled territory, and are generally utilized



to locate artillery fire onto detected Polisario forces. Information from the radar is processed by a forward-based commander, who contacts a rear-based artillery unit.

2.2.5 The Conflict with Natural Resources. Western Sahara is abundant in natural resources and probably this is another major aspect on which the conflict is lingering.

2.2.5.1 The Fishery Business¹¹³.

Western Sahara fish products now account for up to seven percent of Morocco's total export earnings of 85.6 billion dirhams (\$9.80 billion). Morocco declined to renew a fishing accord with the European Union (EU) which until the late 1990s had allowed foreign boats into Moroccan waters. It has instead spent heavily since then on port infrastructure in Western Sahara, as though consolidating its hold on the territory. In 2006, the European Community and Morocco signed a fisheries partnership agreement permitting vessels from the EU to fish offshore Moroccan waters. The agreement was controversial, since it did not specify exactly where the fishing could take place. Under the agreement, European vessels can fish in "waters falling within the sovereignty or jurisdiction of the Kingdom of Morocco". With this definition, it has become a matter of interpretation whether fishing can indeed take place in Western Sahara or not. The failure to specify the precise coordinates of the fisheries agreement, has left it up to Morocco and the fishing industry to interpret where the fishing zone lies. Now the EC has provided data showing that fishing has indeed taken place in the waters off Western Sahara. This implies that international law now has been broken. *"This shows that the agreement was too imprecise in the first place. Now that the EU member states have been made aware of it, all fishing under the agreement must be temporarily stopped, until the agreement is duly revised. The agreement needs to be amended, so that it specifies that it is only applicable in the internationally recognised waters offshore Morocco"*, said Javier García Lachica, international coordinator of Western Sahara Resource Watch¹¹⁴. The Agreement, between the EU and Morocco, will now go into effect after being ratified by the Moroccan Parliament. A European-wide coalition (www.fishelsewhere.org) has warned the European Commission that they could now face a legal challenge in the European courts. Last week the British Government's own MEPs in Parliament, along with the Green group and rebel MEPs, voted against the Agreement. Nick Dearden of British anti-poverty campaign group War on Want said *"The British Government has shown exactly what it thinks of international law. A few thousand tons of fish is worth more to*



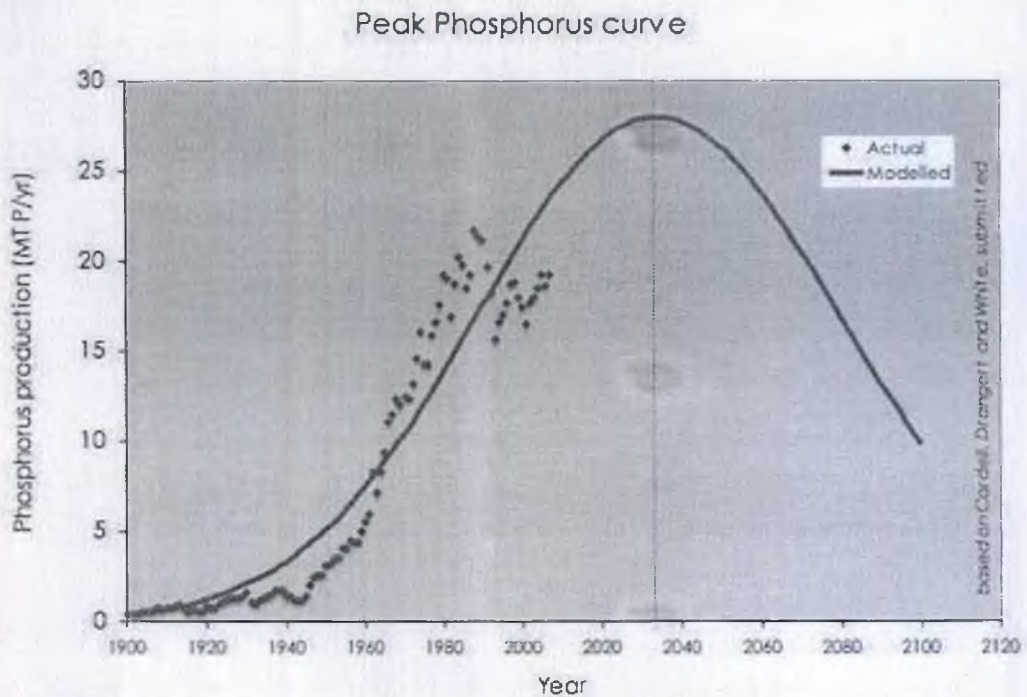
indeed take place in Western Sahara or not. The failure to specify the precise coordinates of the fisheries agreement, has left it up to Morocco and the fishing industry to interpret where the fishing zone lies. Now the EC has provided data showing that fishing has indeed taken place in the waters off Western Sahara. This implies that international law now has been broken. *"This shows that the agreement was too imprecise in the first place. Now that the EU member states have been made aware of it, all fishing under the agreement must be temporarily stopped, until the agreement is duly revised. The agreement needs to be amended, so that it specifies that it is only applicable in the internationally recognised waters offshore Morocco"*, said Javier García Lachica, international coordinator of Western Sahara Resource Watch¹¹⁴. The Agreement, between the EU and Morocco, will now go into effect after being ratified by the Moroccan Parliament. A European-wide coalition (www.fishelsewhere.org) has warned the European Commission that they could now face a legal challenge in the European courts. Last week the British Government's own MEPs in Parliament, along with the Green group and rebel MEPs, voted against the Agreement. Nick Dearden of British anti-poverty campaign group War on Want said *"The British Government has shown exactly what it thinks of international law. A few thousand tons of fish is worth more to*

our Government than the rights of 165,000 refugees and the self determination of a people who currently live in the last colony in Africa. While the British Government has always claimed there was not enough political support to amend this Agreement, the stance of Sweden, together with many UK MEPs, has shown that it is possible to take a principled position in international politics.” Carlos Wilson from Western Sahara Resources Watch, said: *“For 30 years 165,000 refugees have lived in camps in the Algerian desert because the international community has failed to act. Today the countries of the European Union have compounded 30 years of inaction, by happily stealing the resources of those refugees from under their noses.”*

Morocco’s tremendous focus on the fishing industry in Western Sahara has upset the population composition in the occupied territories. Some estimate that as many as 120,000 fishermen now live along the coast of Western Sahara. Since the Sahrawis are not traditionally fishermen, but nomads, they are scarcely active at all in the fishing industry. Norwegian companies play an active part in this development. For example, the Norwegian fishing enterprise Sjøvikgruppen, from Midsund in the county of Møre and Romsdal, plans to employ up to 300 Moroccan settlers in Western Sahara. The company has both fishing licenses and on-shore processing facilities, and informs the Norwegian press that the projects present no problems since Western Sahara “has always been Moroccan”. In addition, Norwegian shipping companies transport fish and phosphate to the international market. A representative of the New Zealand Company Sealord has confirmed to Western Sahara Resource Watch (WSRW) that they import fish from Moroccan companies in the occupied country. A WSRW researcher in Spain talked to a representative of Sealord Spain, a subsidiary of the Kiwi Company. Sealord is carrying out these fish trade in a partnership called Europacifico Alimentos del Mar. This partnership consists of Sealord, as well as Chilean company Friosur from Chile, and Nippon Suisan from Japan. Together, they distribute frozen fish products from Western Sahara to the Spanish and Portuguese markets.

2.2.5.2 The Phosphate Business.

Phosphorus (P) is a chemical element that is normally found in phosphate rock. Morocco is the biggest phosphate rock exporter in the world, and much of it is exported from occupied Western Sahara in violation of international law. Morocco's illegal export of phosphate brings in an income of around one billion Norwegian kroner every year. In a 16 month period from 2006-07, the company transported around 130,000 tons of phosphate to New Zealand. This corresponds to earnings of about 43 million Norwegian



Source: Peak phosphorus 'Hubbert' curve, indicating that production will eventually reach a maximum, after which it will decline (based on Cordell, Drangert and White) *Australian researcher Dana Cordell investigates 'peak phosphorus'*. Published: 22.07 - 2008 11:38 at <http://www.vest-sahara.no/>

kroner (225 million USD) for the Moroccan state-owned phosphate company. For more than a century, fertilizer derived from the mineral phosphate has played a crucial role in Australian agriculture. Because it's such a rich source of vital plant nutrients turning poor soil into rich green pastures, Australia has long been one of the world's biggest phosphate importers. And most of the phosphate used on Australian farms is actually from one of the world's poorest and inhospitable regions, Western Sahara. Tasmania is also one of the countries that imports phosphate. In this year The Australian Western Sahara Association (AWSA) reacts to a new shipment of phosphate and sent a letter to the company demanding the imports to stop.¹¹⁵ In approximately 30 years, as production from the world's phosphate rock reserves reaches a maximum, Western Sahara's geopolitical importance will become even more important. "The world population is addicted to

phosphorus, just as we are addicted to water or energy. We will always need it to produce food. But current global phosphate rock reserves could reach a maximum in production in only 30 years. Then what? ¹¹⁶ Phosphate rock reserves are highly geographically concentrated, and thus only exist under control of a small number of countries. The biggest are China, Morocco (who controls Western Sahara's reserves), and the US. But China and the US struggle even to meet their own demands. China has recently imposed a 135% export tariff to secure domestic fertilizer supply. This is likely to halt most exports from China. Simultaneously, US supplies keep getting smaller for every year. US used to be the biggest producer of phosphate rock. But now they have maximum 20 to 30 years left of their own phosphate rock deposits. According to the US Geological Survey, US has for a number of years received 99% of their imported phosphate rock from Morocco/Western Sahara. At least since the end of the 80s, US has remained the biggest importer of phosphates from occupied Western Sahara, despite the fact that it is in violation of international law. "With US and China tightening its grip around their owned mined phosphates, and as the phosphate prices will continue to grow, the mines in Morocco and occupied Western Sahara will become increasingly important for world phosphate importers and for the global agriculture industry.", Cordell says. "Western Sahara's phosphate reserves will become a real gold mine for Morocco in the future", Cordell says.

2.2.5.3 Oil Battles in Western Sahara.

Oil companies have not explored Western Sahara since the 1960s, when a consortium of Phillips, Gulf Oil, Caltex and American Hispano Oil explored onshore territory near Faim el Oued. The war in the region prevented Phillips and BP from exploring the offshore concessions they were awarded in 1978. However, interest in the region has been reawakened by discoveries in other frontier areas, particularly offshore neighbouring Mauritania, where Australian independent Woodside has registered several noteworthy finds. The chairman of Fusion, Peter Dolan, expects north-west Africa to "emerge as a major petroleum region" over the coming decade. The Moroccan government has decided to bypass the issue of sovereignty by assuming territorial ownership, rather than pushing for international recognition. During the first half of 2002, the Moroccan government awarded 12-month exploration contracts to US firm Kerr-McGee, for a 110,000 square kilometre license off the northern coast, and to French major TotalFinaElf, for a 115,000 square kilometre exploration block off the coast of Dakhla. Both concessions contain maritime territory that would come under the sovereignty of an independent Western Sahara. The two concessions are among 40 awarded by Onarep, the Moroccan state oil company, over the past two years. The other concessions apply to areas recognised as Moroccan sovereign territory under international law. Offshore Morocco, Energy Africa has shot seismic data on its Tiznit blocks, while Shell plans data gathering further north on its Cap Draa and Rimella concessions. Morocco has little tradition of oil exploration but recently has persuaded the

government to encourage investment. Moreover, Moroccan oil refining company, Samir, has announced that it will branch out into oil and gas exploration. Samir is currently exploring the onshore Sebou and offshore Essaouira areas. The signing of the TotalFinaElf and Kerr-McGee contracts were condemned by many foreign governments and campaign groups, and described as "provocative" by the president of the SADR's, Mohamed Abdelaziz, who appealed for UN intervention. The UN responded that the licenses were technically within international law but added that actual exploration and production work would not be legitimate unless the Saharawis themselves approved the contracts and benefited from them. The government of the exiled SADR surprised the Moroccans in May 2002, when it responded to the Moroccan oil concessions by signing a cooperation agreement with Anglo-Australian independent Fusion Oil & Gas for the same territory as that covered by the TotalFinaElf and Kerr-McGee contracts. Fusion is advising SADR on the evaluation of 210,000 square kilometres of offshore territory, and will also receive first refusal on three 20,000 square kilometre exploration blocks. The company is already active offshore Mauritania and the company's director of exploration, Jonathon Taylor, says the geology of the Western Sahara is similar to that offshore Mauritania and areas offshore West Africa. Given SADR's lack of control over the territory in question, Fusion is unlikely to be able to commence work on site, but the agreement is a signal of SADR's intent. An international network organisation working in solidarity with the Sahrawi people, Western Sahara Resource Watch¹¹⁷, has swiftly reacted to reports that a subsidiary of the Libyan state oil company (Tamoil) is on the verge of investing between US \$100 and \$150 million in the occupied Western Sahara. Tamoil Sakia, a newly established Libyan-Moroccan oil company based in Western Sahara's El Aaiun, is reported to be moving fast to invest in the petroleum sector in Western Sahara. The million-dollar investment last for two years, but Tamoil's General Manager, Salem Bayet al-Malto said upon discovery of oil, the company will double its Western Sahara investment. The activities are said to begin in 2008. Tamoil is reported to have acquired permits to explore both onshore and offshore oil and also distribute petroleum products in Western Sahara. The company is expected to start affecting the deals in 2008.

End Notes:

¹ . The Treaty of Tordesillas (Portuguese: Tratado de Tordesilhas, Spanish: Tratado de Tordesillas), signed at Tordesillas (now in Valladolid province, Spain), June 7, 1494, divided the "newly discovered" lands outside Europe between Spain and Portugal along a north-south meridian 370 leagues west of the Cape Verde islands (off the west coast of Africa).

² . Mercer provides detailed information; see *Spanish Sahara*, 76-90. See also Tony Hodges, *Western Sahara: The Roots of a Desert War* (Westport, Conn.: Lawrence Hill, 1983), 17-24; and Maurice Barbier, *Le Conflit du Sahara occidental* (Paris: L'Harmattan, 1982), 31-37. For information on the establishment of Spanish coastal enclaves in the Maghreb, see Jamil M.

Abun-Nasr, *A History of the Maghreb in the Islamic Period* (Cambridge: Cambridge University Press, 1987), 14650. Melilla (occupied in 1457) and Ceuta (occupied in 1580) remain under Spanish control, along with the rock islets of Peñon de Alhucemas (Penon de al-Hucemas) and Peñon de Vélez (Penon de Velez) de la Gomera and the Zaffarine (Chafarinas) Islands.

³. Tetuán (both: *tātwan*, city (1994 pop. 277,516), N Morocco). Tétouan was founded in the 14th century. On the site of an earlier town at the foot of a high hill a short distance from the Mediterranean Sea. Muslim refugees from Spain refounded (1492) the city, and its flourishing handicrafts owe much to them. Tétouan was captured by the Spanish in 1860 and was re-occupied by them in 1913. It was the capital of the Spanish Protectorate of Morocco from 1912 to 1956. A treaty of 27/11/1912 between France and Spain, the two protecting powers then of Morocco, provided that a member of the Moroccan imperial family was appointed to represent the Sultan of Morocco in Tetouan, the capital of the Spanish protectorate. The Treaty was rescinded by a joint Spanish-Moroccan declaration in Madrid on 7/4/1956 under which Spain recognised the sovereignty and independence of Morocco.

⁴. Abun-Nasr, *A History*, 301-03. Santa Cruz was projected as a fishing post to replace a Spanish fort established along the southern Moroccan coast in 1476 by Diego Garcia de Herrera.

⁵. Mercer, *Spanish Sahara*, 177-78.

⁶. Christopher Andrew, *Théophile Delcassé and the Making of the Entente Cordiale* (London: Macmillan, 1968), 153-56.

⁷. The June 27, 1900, convention demarcated Spain's Saharan claim with what would be Mauritania. The October 3, 1904, secret convention circumscribed French and Spanish spheres of influence in Morocco. The November 27, 1912, convention completed demarcation as Spain received the southern portion of Morocco (Tarfaya) and a slice of the northern littoral (one-twentieth the size of the French Protectorate) (See Hodges, *Western Sahara*, 45-49).

⁸. The Algeciras Conference of 1906 took place in Algeciras, Spain, and lasted from January 16 to April 7. The purpose of the conference was to find an issue to the First Moroccan Crisis between France and Germany, which arose as Germany attempted to prevent France from establishing a protectorate over Morocco.

⁹. See especially Hodges, *Western Sahara*, 55-65. See also Mercer, *Spanish Sahara*, 110-16; Ross E. Dunn, *Resistance in the Desert: Moroccan Responses to French Imperialism, 1881-1912* (Madison: University of Wisconsin Press, 1977).

¹⁰. The Rif War of 1893, also called the Melilla War or the Magallo War (after Juan García y Magallo, the Spanish governor of Melilla whose defeat and death infuriated the Spanish public) was a conflict between Spain and 39 of the Rif tribes of northern Morocco, and later the Sultan of Morocco, that began in October 1893, was openly declared November 9, 1893, and was resolved by the Treaty of Fez in 1894.

¹¹. He was the dictator and Head of State of Spain from October 1936, as de facto regent of the nominally restored Kingdom of Spain from 1947 until his death in 1975. His rule was known for a focus on Spanish nationalism, imperial aspirations, centralism and traditional values.

¹². Juan Pablo Fusi, *Franco: A Biography*, trans. Felipe Fernández-Armesto (New York: Harper & Row, 1987), 18. During the Spanish Civil War, Sahrawis fought for the Nationalists, and Loyalists were incarcerated and exiled in Río de Oro (Mercer, *Spanish Sahara*, 121).

¹³. Falange Española de las J.O.N.S. (better known as Falange or Phalange) is the name assigned to several political movements and parties dating from the 1930s, most particularly the original fascist movement in Spain. The word Falange means phalanx formation in Spanish. This warlike symbol was chosen due to the militaristic nature of the party. In Spain, the Falange was a political organization founded by José Antonio Primo de Rivera in 1933, during the Second Spanish Republic.

¹⁴. Elsa Assidon, *Sahara occidental: un enjeu pour le nord-ouest africain* (Paris: Maspéro, 1978), 23. One should survey France outremer and other commercially oriented publications during this period to sense the economic anticipation (and the power of the imperial discourse)

that France felt toward the Sahara. (Similar arguments were also presented concerning the phosphate-rich Spanish Sahara). See also Trout for a survey of mineral exploration in the "disputed border zone" before political decolonization (Morocco *Saharan Frontier*, 392-401).

¹⁵ . See Hodges, *Western Sahara*, 73-84; and Elsa Assidon and Thomas Jallaud , "De l'Opération 'Ecouvillon' à l'intervention en Mauritanie," *Le Monde diplomatique*, February 1978, 33

¹⁶ . See Mohamed el Alami, *Allal el Fassi: Partiarche du nationalisme marocain* (Casablanca: Dar el Kitab, 1975) and Attilio Gaudio, *Allal el Fassi ou l'histoire de l'Istaqlal* (Paris: Alain Moreau, 1972). "Greater Morocco" remains an enduring national objective that has been embraced by the Alawite monarchy and has produced a remarkable, though dangerous, political consensus.

¹⁷ . The border situation can be considered another dimension of decolonization. See Mohammed Maazouzi, *L'Algérie et les étapes successives de l'amputation du territoire marocain* (Casablanca: Dar el Kitab, 1976). For another Moroccan position see Benabdellah Abdelaziz , *Vérité sur le Sahara* (Roanne, France: Editions Horvath, 1977). See also Robert Rézette, *The Western Sahara and the Frontiers of Morocco* (Paris: Nouvelles Editions Latines, 1975).

¹⁸ . The Green March was a strategic mass demonstration in November 1975, coordinated by the Moroccan government, to force Spain to hand over the disputed, autonomous semi-metropolitan Spanish Province of Sahara to Morocco.

¹⁹ . See Richard B. Parker, *North Africa: Regional Tensions and Strategic Concerns*, 1st ed. (New York: Praeger, 1984), 137-38; Hodges, *Western Sahara*, 224; and Damis, *Conflict in Northwest Africa*, 67. *The Wall Street Journal* (July 26, 1976) reported that Morocco had to pay \$90 million for 65 percent of the phosphate consortium while Spain retained a 35 percent interest.

²⁰ . *El País*, August 29, 1988. According to Maurice Barbier, Polisario has always received encouragement in Spain because of "a certain malaise" that seemed "like a betrayal in regard to the Sahrawi people" (Barbier, *Le Conflit du Sahara*, 244). The Spanish Government's position reflects the general post-Franco "continuation and change." The Spanish democracy has had an equivocal attitude toward the Falangist negotiated Tripartite Accords (see Villar, *El proceso*, 387).

²¹ . See Hodges, *Western Sahara*, 114-19, 247-256 and Barbier, *Le Conflit du Sahara*, 248-50. Assidon relates this invention with other French actions in Sahara, 117-27. An attack on May 1, 1977, at the Zouerate iron ore center killed two French technicians while six others were captured. Two more Frenchmen became hostages on October 25 along the Zouerate-Nouadhibou railway.

²² . During Giscard's April 1975 visit to Algeria, Boumedienne asserted: "Algeria and France are predisposed by their history and their spirituality" (Houari Boumediène, *Discours du Président Bownedienne* (2 January 1975-3 December 1975) (Algiers: Ministère de l'Information et de la Culture, 1976), 87. President Francois Mitterrand characterized French-Algerian relations in 1989 as "life in common" (*Le Figaro*, March 11-12, 1989).

²³ . Grimaud, "Algeria and Socialist France," 262.

²⁴ . In April 1989, Polisario's representative in France, Sayed Baba, renewed the call for France to serve as a moderator/mediator ("a messenger of peace") between the belligerents and to use its influence in the UN Security Council (*El-Moudjahid*, April 11, 1989).

²⁵ . Muhammad Sidi Brahim Bassiri (1944 in October – 1970?), Sahrawi nationalist leader. He was born to Sahrawi bedouin parents in Tan-Tan in Southern Morocco, then colonized by Spain. He would later live in Lemseid near Western Sahara's capital El-Aaiun. In 1957 he left for newly independent Morocco to go to school, and proceeded to study the Quran in Cairo, Egypt and Damascus, Syria. On returning to Morocco in 1966, he founded Al-Shihab (The Torch), a Sahrawi nationalist paper.

²⁶ . Susan Slyomovics, "A Truth Commission for Morocco," *Middle East Report* 218 (Spring 2001): 20.

²⁷ . UN mission for the referendum in W. Sahara

²⁸ . Salka Barca, interviewed by Maria J. Stephan in Washington, DC on 13 January 2006

²⁹ . These Moroccan neighborhoods in the Western Sahara were established after the Second Green March in 1991 when Rabat moved thousands of its citizens into the Territory to vote in what was supposed to be a referendum on the territory's final status.

³⁰ . The term Sahrawi and Western Saharan are often used interchangeably, though this is not accurate. Some of the confusion comes from the fact that all indigenous Western Saharans are ethnic Sahrawis. Yet not all ethnic Sahrawis are native to Western Sahara. The cities of Tan Tan and Assa in southern Morocco, Tindouf in eastern Algeria, and Zouerate in northwestern Mauritania are predominantly Sahrawi. The most unifying aspect of all Sahrawis is their use of Hassaniyyah Arabic, which is also spoken in Mauritania but is unrelated to either Moroccan or Algerian dialects. An ethnic Sahrawi is a person claiming descent from one of the Hassaniyyah-speaking tribes geographically associated with the former Spanish Sahara.

³¹ . Suzan Slyomovics, "A Truth Commission for Morocco?" Middle East Report: http://www.merip.org/mer/mer218/218_slyomovics.html

³² . Aminatou Haidar is the 2008 Robert F. Kennedy Human Rights Award Laureate. Ms. Haidar is being recognized for her courageous campaign for self-determination of Western Sahara from its occupation by Morocco and against forced disappearances and abuses of prisoners of conscience. "*For me, as an individual, the Robert F. Kennedy Human Rights award represents a great honor. As a Sahrawi human rights activist, I consider it recognition that the cause of the Sahrawi people is just and legitimate and that our non-violent resistance is noble and righteous, in spite of the risks and the intimidation of the Moroccan authorities,*" said Aminatou Haidar. "*The Robert F. Kennedy Human Rights Award will provide constructive support to the struggle of the Sahrawi people for liberty and human dignity.*"

³³ . In terms of normal clothing, Palestinian Kuffiyas are very rare in Morocco and almost unheard of in Sahrawi society. Its deployment in demonstrations is obviously for symbolic effect.

³⁴ . "Shock and Concern After Ali Lmrabet Banned from Practicing as a Journalist for 10 Years," Reporters Without Borders, 12.4.05.

³⁵ . The Moroccan Association for Human Rights (AMDH), which supports a "democratic solution" to Western Sahara, operates an office in Al- 'Ayun, and works closely with Sahrawi human rights defenders. Though AMDH has to be very cautious, it nonetheless attempts to address human rights issues objectively, calling for the accountability of Moroccan government agents in Western Sahara.

³⁶ . Article 73(b) obliges member states with colonies "to develop self-government, to take account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions."

³⁷ . In the Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly Resolution 1514 (XV), the General Assembly stated in Paragraph 2 that "All peoples have the right to self determination . . ." Resolution 1514 also went on to say that "Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinctions as to race, creed or colour, in order to enable them to enjoy complete independence and freedom." However, perhaps as a limit on the scope of this doctrine, it also stated in Paragraph 6 that "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purpose and principles of the Charter of the United Nations."

³⁸ . 19 GAOR, Annexes, Annex No. 8 (Part I), at 290-91, UN Doc. A/5800/Rev.1 (1964).

³⁹ . G.A. Res. 2072(XX), 20 GAOR Supp. 14, at 59-60, UN Doc. A/6014 (1965).

- ⁴⁰ . Resolution 2072(XX), 20 U.N. GAOR, Supp. (No. 14), 59 U.N. Doc. A/6014 (1965) at para. 2.
- ⁴¹ . Resolution 2229(XXI), 21 U.N. GAOR, Supp. (No. 16) 72, U.N. Doc. 6316 (1966).
- ⁴² . Between 1967 and 1973, as skirmishes increased between the Spanish and the Sahrawis, the General Assembly adopted six more resolutions, all of which repeated the proposal of a referendum. 18 *Id.*, at 72-73.
- ⁴³ . 13 GAOR, Annexes, Agenda Item No. 36, at 37, UN Doc. A/C.4/L385/Rev. 1 (1958).
- ⁴⁴ . Letter dated Sept. 8, 1966 from the Permanent Representative of Spain to the United Nations addressed to the Chairman of the Special Committee, 21 U.N. GAOR, 1 Annexes (Addendum to Agenda Item 23) 621, U.N. Doc. A/6300/Rev.1 (1966).
- ⁴⁵ . See Hodges, "Western Sahara: The Roots of a Desert War," *op cit.* at 119. A writer in *Maroc-Soir*, had observed in an article on July 23, 1973 that "although the Moroccan character of this part of the Sahara is historically and geographically obvious" Morocco had accepted the idea of a referendum "certain that the population will vote in favor of returning to the motherland."
- ⁴⁶ . Report of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 21 GAOR, Annexes, Addendum to Agenda Item No. 23, 603, UN Doc. A/6300/Rev.1 (1966). Morocco voted in favor of all but one of the resolutions of the General Assembly calling for a referendum passed between 1967 and 1973.
- ⁴⁷ . *Ibid.*, at 607.
- ⁴⁸ . G.A. Resolution 2428, 23 GAOR Supp. 18, at 63-64, UN Doc. A/7218 (1968); G.A. Res. 2591, 24 GAOR Supp. 30, at 73-74, UN Doc. A/7630 (1969); G.A. Res. 2711, 25 GAOR Supp. 28, at 100-101, UN Doc. A/8228 (1970); G.A. Res. 2983, 27 GAOR Supp. 30, at 84-85, UN Doc. A/8730 (1972); G.A. Res. 3162, 28 GAOR Supp. 30, at 110-111, UN Doc. A/9030 (1973).
- ⁴⁹ . As one commentator put it: "By 1972, the intensity with which the question of self-determination for the Sahrawi people was discussed in the international community and the heightened political awareness of the Sahrawi people combined to produce the near certainty that a referendum would lead to independence for Western Sahara." Robert T. Vance, Jr., *Recognition as an Affirmative Step in the Decolonization Process: The Case of Western Sahara*, 7 Yale J. Wold Pub. Ord. 45, 50 (1980).
- ⁵⁰ . G.A. Res. 2983, 27 U.N. GAOR, Supp. (No. 30) 84, U.N. Doc. A/8955 (1972).
- ⁵¹ . Hodges, "Western Sahara: The Roots of a Desert War," *op cit.* at 152
- ⁵² . There were perhaps thirty to forty Sahrawi students enrolled at the Mohammed V University in Rabat, Morocco's most prestigious university, in 1970, including the founder of the Polisario, El Ouali Mustapha Sayed, and five others who formed the Polisario leadership.
- ⁵³ . Hodges, *supra*, at 160-161.
- ⁵⁴ . *Manifeste politique, adopte par le deuxieme congres*, in *Le peuple Saharaoui en lutte* (Polisario Front, 1975) *supra* at 50; cited in Hodges, *supra*, at 163.
- ⁵⁵ . *Programme d'action nationale, adopte par le deuxieme congres*, in *Le peuple Saharaoui en lute* (Polisario Front, 1975), *supra*, at 42. Cited in Hodges, "Western Sahara: The Roots of a Desert War," *opcit.*, at 164.
- ⁵⁶ . *Message du deuxieme congres tenu du 25-8-1974 au 31-8-1974 a Sa Majeste Hassan II, Roi du Maroc*, in *Le peuple saharaoui en lutte* (Polisario Front, 1975) at 52.
- ⁵⁷ . Allal el-Fassi, the principal leader of the Istiqlal Party, began to argue that only parts of the historic Alawite empire had been freed and so the ending of the protectorate had only been a partial victory. "So long as Tangier is not liberated from its international statute, so long as the Spanish deserts of the south, the Sahara from Tindouf and Atar and the Algerian-Moroccan borderlands are not liberated from their trusteeship, our independence will remain incomplete and our first duty will be to carry on action to liberate the country and to unify it," he proclaimed on March 27, 1956. See, Hodges, "Western Sahara: The Roots of a Desert War," *op cit.*, at 85,

citing Bertrand Fessard de Foucault, "La question du Sahara espagnol (I)," *Revue Francaise d'Etudes Politiques Africaines*, 10th Year, No. 119, November 1975, p. 78.

⁵⁸ . Allal el-Fassi was the main proponent of the idea. By June of 1956 he was insisting that Morocco's true southern border was the Senegal River and published a map of "Greater Morocco" in the Istiqlal Party's daily newspaper, *Al-Alam*. In a series of articles collectively called *Livre Rouge* and published in the nationalist review *Perspectives Sahariennes* in 1959-60, Allal el-Fassi sought to prove that France and Spain had deprived Morocco of its historic Saharan provinces by imposing their arbitrary colonial frontiers at the beginning of the century. Hodges, *supra*, at 85.

⁵⁹ . A number of observers have suggested that King Hassan adopted the cause of Western Sahara in order to quell mounting opposition to his rule. As was noted by Stephen Zunes, in *East Timor and Western Sahara: A Comparative Analysis on Prospects for Self-Determination*, in *International Law and the Question of Western Sahara*, (The Hague, 2006) p. 116, "The Moroccan leadership saw Western Sahara, at least in part, as a question on which to test national resolve and distract attention from domestic problems."

⁶⁰ . United Nations Document A/C.4/SR.670.

⁶¹ . With Mauritania's independence only days away, the Rabat government published a "white book" spelling out in detail the historic grounds for its claim to Mauritania. The Mauritanian government replied a few days later with a rival "green book" which rebutted the Moroccan arguments point by point. 41 Hodges, *supra*, at 88.

⁶² . According to this census the population numbered 73,497 indigenous Saharawis.

⁶³ . Letter dated 20 August 1974 from the Permanent Representative of Spain to the United Nations to the Secretary General, UN Document A/9714.

⁶⁴ . The questions it requested to be presented to the ICJ were: (I) Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to non one (*terra nullius*)? (II) If the answer to the first question is in the negative, what were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?

⁶⁵ . Resolution 3292 (XXIX), 29 GAOR Supp. 31, at 103-104, UN Doc. A/9631 (1974).

⁶⁶ . Report of the United Nations Visiting Mission to Spanish Sahara, 1975, in The Report of the Special Committee on the Situation With Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, UN Doc. A/100023/Add.5, Annex, at 26 (1975).

⁶⁷ . Advisory Opinion on Western Sahara (1975)("ICJ Advisory Opinion"), International Court of Justice Reports, at 12.

⁶⁸ . *Id.*, at 48.

⁶⁹ . *Id.*, at 49.

⁷⁰ . The Court found that although there were some legal ties between present day Mauritania and the Territory, "the materials and information presented to it do not establish any tie of territorial sovereignty." Advisory Opinion at 68.

⁷¹ . Quoted in UN Doc. S/PV.1849, at 11 (1975).

⁷² . Letter from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council dated October 18, 1975. UN Doc. S/11852 (1975).

⁷³ . See Vance, *Recognition as an Affirmative Step in the Decolonization Process: The Case of Western Sahara*, 7 Yale J. World Pub. Ord. 45 (1980-1981) at 57.

⁷⁴ . Among other things, the Security Council adopted Resolution S/Res/380 (6 Nov. 1975) deploring the march and calling for Morocco to withdraw all of the participants from Western Sahara.

⁷⁵ . 30 U.N. SCOR, Supp. (Oct.-Dec. 1975), U.N. Doc. S/11871 (1975); see also, Vance, R., *Recognition as an Affirmative Step in the Decolonization Process: The Case of Western Sahara*, *op cit.* at 58.

⁷⁶ . The Madrid Accords, also called Madrid Agreement or Madrid Pact, was a treaty between Spain, Morocco, and Mauritania to end the Spanish presence in the territory of Spanish Sahara, which was until the Madrid Accords' inception a Spanish province and former colony. It was signed in Madrid on November 14, 1975, and ratified by the Spanish Parliament (Cortes) on November 18. Per the agreement, the territory would then be divided between Morocco and Mauritania.

⁷⁷ . See, for instance, Franck, T, *The Stealing of the Sahara*, 70 AJIL 715, [] (1976); Hodges, *supra*, at 223.

⁷⁸ . What was made public was a “declaration of principles” which stated that Spain would withdraw from Western Sahara by the end of February 1976 and in the meantime it would institute a “temporary” administration in the Territory in which Morocco, Mauritania and the Djemaa would also participate.

⁷⁹ . The Sahrawis were not even accorded the right to be heard by the ICJ, which can only receive evidence from “states” and the POLISARIO expressed astonishment at a decision “to convey the destiny of our peoples before the Court of The Hague in our total absence.” (POLISARIO Front press communique, 1974).

⁸⁰ . El-Ouali, on behalf of the newly formed Polisario, had first solicited aid from the Algerian government in the summer of 1972. However, he was rebuffed at that time by President Boumedienne, who apparently doubted the movement’s political maturity and popular support.

⁸¹ . The relevant documents and memoranda relating to the founding of the SADR can be found in T.Hultman, *Democratic Arab Republic of the Sahara*, in “5 Constitutions of Dependencies and Special Sovereignities” (1978). The documents include the Constitution of the Provisional National Saharan Council, Proclamation of the Democratic Arab Republic of the Sahara, a Frente Polisario Memorandum, and the initial Constitution of the Democratic Arab Republic of the Sahara.

⁸² . Using such raids they were able to put the Bou Craa mines out of action from 1976 to 1982, thus striking a crippling blow to the economy of Western Sahara.

⁸³ . Hodges, *supra*, at 285. Hodges estimates that by 1983 the Polisario had as many as 25,000 men under arms. Hodges, at 291.

⁸⁴ . Manfred Hinz, *Le droit a l'autodetermination du Sahara occidental* (Progress Dritte West Verlag, Bonn, 1978), p. 63; cited in Hodges, *op cit.*, p. 320 fn 4.

⁸⁵ . UN document A/33/337, October 31, 1978.

⁸⁶ . *Jeune Afrique*, (Paris) No. 970, August 8, 1979, p. 52. On July 17-20, 1979 these proposals were endorsed by the OAU. *Le Monde*, December 17, 1979.

⁸⁷ . G.A. Res. 34/37, 34 U.N. GAOR, Supp. (No. 46) 203, U.N. Doc. A/34/46 (1979).

⁸⁸ . Between 1975 and 1988 the United States supplied Morocco with over \$1,000 million worth of arms, as well as \$1,300 million in security and economic assistance programs. U.N. General Assembly, Special Committee Records, 1337th Meeting, August 9, 1988, pp. 2-16, report from John Zindar, Center for Defense Information.

⁸⁹ . The basic elements of this “Plan” had been proposed by the OAU as far back as 1981, and although King Hassan II at that time was forced to agree to it in principle, it was not implemented by the international community until 1988.

⁹⁰ . The Baker Plan (formally, Peace Plan for Self-Determination of the People of Western Sahara) is a United Nations initiative to grant self-determination to Western Sahara. It was intended to replace the Settlement Plan of 1991, which was further detailed in the Houston Agreement of 1997.

⁹¹ . Miguel, C. Ruiz (2005). “El largo camino jurídico y político hacia el Plan Baker II. ¿Estación de término?”. *Anuario Mexicano de Derecho Internacional* 5: 461.

⁹² . The Houston Agreement was the result of negotiations between the Polisario Front and Morocco on the organization of a referendum, which would constitute an expression of self-determination for the people of Western Sahara, possibly leading to full independence or

integration within Morocco. The talks were conducted in Houston, USA, under the auspices of UN representative James Baker, in the framework of the 1991 Settlement Plan.

⁹³ . S/1999/307, areas and all publicity concerning the referendum emanated from the Moroccan authorities, who consistently referred to it as a referendum to confirm Moroccan sovereignty in the area.

⁹⁴ . An initial provisional voters' list excluding applicants from the contested tribal units was published in June, later in the year this list was supplemented with lists of approved applicants from the contested units. The list was considered provisional because the inclusion or non-inclusion of applicants could be appealed and a final voters' list would only be published following the appeals process.

⁹⁵ . The Commission declared eligible 84,251 applicants out of the 147,249 applications received from individuals from the non-contested tribes and 2,135 applicants out of the 51,220 applications from the three contested groups. S/2000/131 (17 February 2000) at 2.

⁹⁶ . These groups, designated as the H61, H41 and the J51/52 after their description in the Spanish census of 1974, were considered non indigenous to Western Sahara by the Polisario. Nonetheless, individuals from these groups were interviewed by the Commission and if they satisfied one of the five eligibility criteria, they were put on the voters' list.

⁹⁷ . These three tribes – considered not indigenous to the region by the Polisario -- represented 51,220 possible voters all but a fraction of whom were declared ineligible by the Commission.

⁹⁸ . The total number of appeals as reported in S/2001/148 (20 February 2001) at 2 was 131,038 all but a few of which were from applicants filing through Morocco.

⁹⁹ . Morocco filed over 130,000 appeals which, if permitted, would have resulted in a second round of identification taking years; something the Security Council would have had difficulty permitting.

¹⁰⁰ . Moroccan officials had for a long time characterized the referendum as merely a formality to confirm Morocco's sovereignty. See comments of former Minister of Interior Driss Basri and King Hassan, footnote 223, *infra*.

¹⁰¹ . S/2000/461 (22 May 2000).

¹⁰² . In the last Report of the Secretary General for 2000 after face to face meetings between the parties in London and Berlin failed to show any progress in resolving the conflict he suggested that further face to face meetings of the parties would be counterproductive unless Morocco was prepared to offer "some devolution of governmental authority" for the area. S/2000/1029 (26 October 2000).

¹⁰³ . S/Res/2000/1309 (25 July 2000); S/Res/2000/1324 (30 October 2000).

¹⁰⁴ . S/2002/178 (19 February 2002).

¹⁰⁵ . S/Res./1429 (30 July 2002). Although the Security Council stressed that the search for a political solution was "critically needed" it fell short of endorsing the Framework Agreement, instead indicating its determination to secure a mutually acceptable political solution that would provide for the self determination of the people of Western Sahara "in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations" and indicating its willingness to consider "any approach which provides for self-determination."

¹⁰⁶ . Reprinted in S/2003/565, Annex II.

¹⁰⁷ . International Institute for Strategic Studies (IISS), *The Military Balance, 1987-1988* (London: IISS, 1987), 107-9; IISS, *The Military Balance, 1989-1990* (London: IISS, 1989), 108-10.

¹⁰⁸ . DSSA, *FMS Facts, as of September 30, 1985*, 24-25, 47; DSAA, *FMS Facts, as of September 30, 1989*, 32-33, 57; and DSAA and Department of State, *Congressional Presentation for Security Assistance Programs, Fiscal Year 1991*, 11.

¹⁰⁹ . U.S. Arms Control and Disarmament Agency (ACDA), *World Military Expenditures and Arms Transfer [hereafter WME and AT], 1970-1979* (Washington, D.C.: ACDA, 1982), 127;

ACDA, WME and AT, 1972-1982 (Washington, D.C.: ACDA, 1984), 95; and ACDA, WME and AT, 1988 (Washington: ACDA, 1989), 96.

¹¹⁰ . U.S. Arms Control and Disarmament Agency (ACDA), World Military Expenditures and Arms Transfer [hereafter WME and AT], 1970-1979 (Washington, D.C.: ACDA, 1982), 127; ACDA, WME and AT, 1972-1982 (Washington, D.C.: ACDA, 1984), 95; and ACDA, WME and AT, 1988 (Washington: ACDA, 1989), 96.

¹¹¹ . IISS, the Military Balance, 1987-1988, 109; IISS, the Military Balance, 1989-1990, 95-96.

¹¹² . http://en.wikipedia.org/wiki/Moroccan_Wall

¹¹³ . Norwegian Department of Finance press release, 6 June 2005. http://www.regjeringen.no/nb/dokumentarkiv/Regjeringen-Bondevik-II/Finansdepartementet/234231/234458/forste_selskap_utelukket_fra_petroleumsfondet.html?id=256344 United Nations, Office of the United Nations High Commissioner for Human Rights (OHCHR). 2006. Report of the Office of the United Nations High Commissioner for Human Rights Mission to Western Sahara and the Refugee Camps in Tindouf : 15/23 May and 19 June 2006. Geneva: OHCHR, 8 September 2006. <http://www.arso.org/OHCHRrep2006en.htm> Amnesty International (AI). 2006.

¹¹⁴ . <http://www.vest-sahara.no/index.php?cat=49&art=991>

¹¹⁵ . Western Sahara Resource Watch 7. May 2008

¹¹⁶ . Explains Dana Cordell, PhD candidate at the Institute for Sustainable Futures, University of Technology, Sydney.

¹¹⁷ . Western Sahara Resource Watch (WSRW, <http://www.wsrw.org/>), is an international network of organisations and activists researching and campaigning the companies working for Moroccan interests in occupied Western Sahara.

2.3 The Peace Process Initiated by United Nations (UN) and Various Agencies.

It is imperative to understand the various dimensions of UN peace process to evaluate the performance and recommend measures for resolution of the conflict.

2.3.1 **Various UN Efforts.** UN and its various agencies took part in resolving the conflict in various capacities which are discussed subsequently.

2.3.1.1 UN's Initial Effort – A Visiting Mission to Spanish Sahara.

To assist in the decolonization process of the Spanish Sahara (now Western Sahara), the United Nations General Assembly in 1975 dispatched a visiting mission to the territory and the surrounding countries, in accordance with its resolution 3292 (December 13, 1974).



The Composition of the Visiting Mission

The mission was composed of three members. Its head was Simeon Aké, UN ambassador of the Côte d'Ivoire (Ivory Coast); accompanying him were Marta Jiménez Martínez, a Cuban diplomat, and Manouchehr Pishva, from Iran. It toured Spanish Sahara on May 12-19, 1975, after initially having been denied entry by Spanish authorities. On May 8-12 and again on May 20-22, it visited Madrid, Spain; and from May 28 to June 1, it toured the neighbouring countries Mauritania, Morocco and Algeria; (in Algeria - which supported the Polisario since late 1974) it also met with leaders of the Polisario Front.

Purpose of the Visiting Mission

The mission intended to investigate the political situation in the Spanish Sahara, as well as the conflicting claims to the territory:

- Spain administered the Spanish Sahara since the Berlin Congress¹ in 1884, but had announced it was pulling out of the territory. A Madrid-backed political party, the Partido de Unión Nacional Saharaui (PUNS), argued for a gradual transition to independence and demanded privileged relations between Spain a future Western Sahara.
- The Polisario Front, an indigenous anti-colonial organization that was waging a guerrilla war against Spanish forces since 1973, claimed the country for its inhabitants, the Sahrawis, and demanded immediate independence.
- Morocco invoked historical ties between its royal family and the Sahrawi tribes, claiming the territory as its Southern Provinces.

- Mauritania referred to common ethnicity (of Sahrawis and Moors) and historical territorial connections, to claim it as a northern part of the country; Tiris al-Gharbiyya.
- The United Nations had since 1966 demanded that a referendum among the native population should determine the future status of the territory.

Findings of the Visiting Mission

Spanish Sahara

In the territory, the mission encountered opposing demonstrations by the Polisario Front and the PUNS, both demanding independence, but differing in their approach to the Spanish authorities. Tony Hodges writes:

During its visit to the territory," (the UN mission) reported, "the mission did not encounter any groups supporting the territorial claims of neighbouring countries and consequently had no say of estimating the extent of their support, which appeared to be submerged by the massive demonstrations in favour of independence."²

and

Although the mission met privately with a number of groups in the northern region representing PUNS," the UN envoys noted, "it did not witness any separate public demonstrations in support of that party. This was in marked contrast to the Frente Polisario, whose supporters from the onset appeared en masse carrying the flags and emblems of their movement. It was not until the mission visited the southern region that PUNS, following the example of its opponents, organized mass demonstrations to greet the mission at each place visited."³

and

At Villa Cisneros and other settlements in the south, Polisario and PUNS supporters staged separate, rival demonstrations, but "although both groups mustered a large number of supporters," the mission noted, "the preponderance was clearly in favour of the Frente Polisario." The placards of Polisario and PUNS were "similar," for "both demanded complete independence for the territory and opposed integration with neighbouring countries."⁴

and

Owing to the large measure of cooperation which it received from the Spanish authorities, the Mission was able, despite the shortness of its stay in the Territory, to visit virtually all the main population centers and to ascertain the views of the overwhelming majority of their inhabitants. At every place visited, the Mission was met by mass political demonstrations and had numerous private meetings with representatives of every section of the Saharan community. From

*all these, it became evident to the Mission that there was an overwhelming consensus among Saharans within the Territory in favour of independence and opposing integration with any neighbouring country [...] The Mission believes, in the light of what it witnessed in the Territory, especially the mass demonstrations of support for one movement, the Frente Polisario [...] that its visit served as a catalyst to bring into the open political forces and pressures which had previously been largely submerged. It was all the more significant to the Mission that this came as a surprise to the Spanish authorities who, until then, had only been partly aware of the profound political awakening of the population.*⁵

The mission estimated the largest demonstration they witnessed, "organized by the Frente Polisario", in El-Aaiun on May 13, 1975, to have consisted of 15,000 people - significant, since a 1974 census by the Spanish authorities had set the total population at just below 75,000 people.⁶

Surrounding Nations

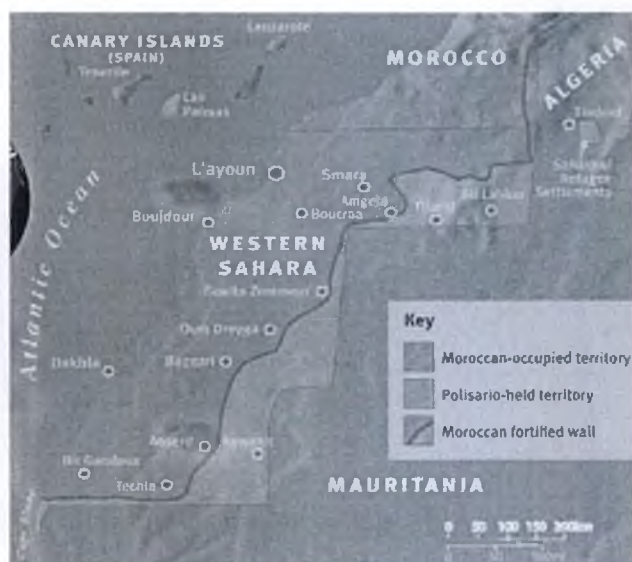
- In Mauritania, the mission met with President Moktar Ould Daddah in Nouakchott, where he reiterated his demand for the integration of the territory into Mauritania. The mission also travelled to the northern towns of Atar, Zouerate, Bir Moghrein, and Nouadhibou, where they witnessed "large rival demonstrations" by the Parti du Peuple Mauritanien (PPM; Ould Daddah's ruling party) and the Polisario Front⁷.
- In Fes, King Hassan II repeated the Moroccan claim to the territory, and the mission witnessed "large pro-annexation demonstrations in towns in the far south of the country, near the Western Saharan border" that "left in no doubt [...] the depth of popular support in Morocco for Hassan's campaign of 'reunification,' as well as his government's determination to achieve its objectives. The mission was informed that Morocco would not accept the inclusion of independence among the options to be put to the Western Saharans in a referendum. The only acceptable question was: 'Do you want to remain under the authority of Spain or to rejoin Morocco?'"⁸
- In Algeria, President Houari Boumedienne stated that "Algeria had no interest in Western Sahara other than to see the Sahrawi's right to self-determination respected"⁹. The mission also visited the Sahrawi communities in Tindouf, Oum el-Assel and Hassi Abdallah in Algeria, where they "were met by thousands of pro-Polisario demonstrators" and were shown Spanish officers of the Tropas Nómadas, held as prisoners-of-war by Polisario forces. Polisario General-Secretary El-Ouali Mustapha Sayed stated that "a referendum was unnecessary since it was now evident that the majority of Saharawis wanted independence, but [...] said that that they would accept one, if the UN insisted, on condition that the Spanish administration had first been withdrawn and replaced by a 'national' administration, that all Spanish troops had been withdrawn and replaced by Polisario soldiers under UN and Arab League guarantees, and that all refugees had been allowed to return to the territory".¹⁰

Consequences of the Mission Report¹¹

The mission presented its report to the United Nations on October 15, 1975. The results of the investigation were cited especially by the Polisario Front and its Algerian backers as supportive of their argument, but the debate was largely submerged by the presentation of the opinion of the International Court of Justice on October 16. The court argued that while there were historical ties between both Mauritania and Morocco to the tribes and lands of Spanish Sahara, neither country's claim sufficed to grant it ownership of the territory. The court also ruled that the Sahrawis possessed a right of self-determination, meaning that any solution to the problem of the status of Spanish Sahara had to be approved by the Sahrawi public. (A position regarded as supportive of the referendum.) As a response to the ICJ verdict, King Hassan II of Morocco announced within hours of the release of the court's findings, that he would organize a Green March into Spanish Sahara to assume ownership of the territory.

The Free Zone

The Free Zone is the area in Western Sahara controlled by the authority of the Sahrawi Arab Democratic Republic (SADR). It makes up approximately 30% of the territory east and south of the Moroccan Wall (or berm). Bir Lehlou is the temporary capital of the area and of the SADR, as a substitute for El-Aaiun, which has been under Moroccan occupation since 1975. The area is patrolled by Polisario forces, and access is restricted, even among Sahrawis, due to the harsh climate of the Sahara, the military conflict and the abundance of land mines. Still, the area is traveled and inhabited by many Sahrawi nomads from the Tindouf refugee camps of Algeria and the Sahrawi communities in Mauritania. United Nations (MINURSO) forces are also present in the area, to oversee the cease-fire between Polisario and Morocco agreed upon in the 1991 Settlement Plan. Annual demonstrations against the Moroccan Wall (dubbed the "Wall of Shame") are staged in the Free Zone by Sahrawis and international activists from Spain, Italy and other mainly European countries.



Western Sahara Zone Map

Before the UN, the Organization of African Unity (OAU) had tried to resolve the Western Sahara dispute. The UN settlement proposals of 1988 were almost identical to those originally made by the OAU, laying down the broad guidelines for an internationally supervised cease-fire and a referendum offering the choice of independence or integration with Morocco. King Hassan's response to the OAU resolution was a rather ambiguous acceptance, promising to accept a controlled referendum whose modalities should do justice simultaneously to the objectives of the OAU and to Morocco's conviction regarding the legitimacy of its rights. Although the king's statement was viewed by some as a breakthrough in that he accepted the idea of a referendum, statements before and after the speech should have left no doubt that he had a restrictive interpretation of the referendum plan as a "confirmative" one for Morocco. Such statements by the Moroccan authorities regarding the "Moroccanity" of Western Sahara have continued over the years. At the urging of Secretary-General Pérez de Cuellar, on July 20, 1985, King Hassan accepted a referendum for the self-determination of the inhabitants of Western Sahara, under UN auspices. In August 1988, the UN delivered to the parties the settlement proposals. The proposals were accepted "in principle," along with comments and observations by both Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y del Río de Oro (Polisario), representing the people of Western Sahara. As Pérez de Cuellar admitted in his memoirs, the two parties' comments were diametrically opposed to each other. For example, the Polisario wanted an enhanced role for the UN and the abrogation of all Moroccan laws in the territory during the transition period, while Morocco wanted to restrict the powers of the special representative during the transition period, especially his responsibility for the maintenance of public order. Pérez de Cuellar and Issa Diallo, a close confidante, kept to themselves the parties' actual comments on the settlement proposals, while the task force created to draft the implementation plan was not privy to them. The plan, with its very tight and unrealistic timeline for all the tasks the UN would have to accomplish before the referendum, was therefore drafted by persons who



Javier Pérez de Cuéllar

did not have firsthand knowledge of the parties' negotiations with the secretary-general. Some have suggested that the two felt that it would be pointless to go back and convince the parties to change their positions. In addition, as Pérez de Cuellar admits in his memoirs, while discussing the settlement plan, he was trying to persuade King Hassan that autonomy would be preferable for Western Sahara. He had received an initial positive response from the king and the Algerian president, whom he had asked, at the king's direction, to approach the Polisario.

The issue has been debated annually and at length in the United Nations since 1963, and the first of many U.N. resolutions calling on Spain to implement the Western Sahara's right to self-determination was passed by the Fourth (Decolonization) Committee in October 1964. Since the Security Council resolutions of December 1975, the U.N. focus has expanded from Saharan self-determination to include conflict resolution. From 1976 to 1984, the major diplomatic efforts to resolve the Western Sahara dispute were undertaken by the Organization of African Unity (OAU)¹³. As long as this regional organization actively pursued a settlement of the conflict, the United Nations deferred to its efforts. An OAU consensus gradually formed over two essential elements of a settlement plan: one, a ceasefire accepted and observed by the two parties to the conflict, Morocco and the Polisario Front, the national liberation movement, formed in 1973, that seeks the establishment of an independent Saharan state; and two, a fair and impartial referendum of self-determination for the Sahrawi population. At the urging of a number of outside parties, including the United States and France, King Hassan, during the OAU summit in Nairobi in June 1981, declared his country's willingness to accept a "supervised referendum" in the Western Sahara. The various diplomatic initiatives of the OAU came to an effective halt in November 1984, when Morocco withdrew from the organization when the OAU admitted as a full member the Polisario's government-in-exile, the Saharan Arab Democratic Republic (SADR). From 1985 to the end of 1991, attempts to resolve the Sahara conflict centered on the efforts of former U.N. Secretary-General Javier Pérez de Cuéllar. Thanks to his tireless efforts, the end of this long and festering conflict *may* now be in sight. After several years of intermittent contacts and negotiations among the U.N. secretary-general, the OAU chairman and representatives of Algeria, Mauritania, Morocco and the Polisario Front, Pérez de Cuéllar finally proposed a settlement plan in August 1988 to representatives of Morocco and the Polisario Front. This plan, which provided for a cease-fire and a referendum, was soon accepted with reservations by the two parties. Of particular relevance to the present situation, one of Morocco's reservations was that voter eligibility should not be limited to those Sahrawis counted by the 1974 Spanish census. The secretary-general's plan was a compromise proposal that was meant to achieve a just and permanent settlement of the Western Sahara dispute. The Security Council subsequently adopted a series of resolutions in September 1988, June 1990, and April 1991¹⁴ to approve the secretary general's settlement plan and to create, as called for by the plan, the U.N. Mission for the Referendum in the Western Sahara (MINURSO). The "mission" of MINURSO, simply stated, is to implement the various provisions of the plan¹⁵. The U.N. Settlement Plan for the Western Sahara involves both organizing and conducting a referendum. The main elements of the plan, as laid out in Secretary General Pérez de Cuéllar's report of June 18, 1990, to the Security Council¹⁶ include the following:

- The establishment and monitoring of a cease-fire,
- Followed by an exchange of prisoners of war;
- A phased reduction of Moroccan troops to a level of 65,000;
- The confinement of both sides' forces to specified locations;
- The repatriation of Sahrawi refugees;

- The identification and registration of voters;
- The organization and conduct of the referendum itself.

There are some parallels between the mandate of MINURSO and that of UNTAG, the (U.N. Transition Assistance Group in Namibia), which organized and conducted elections in Namibia in 1989-1990. The size of UNTAG was necessarily larger: over 8,000 U.N. personnel were deployed in a mission that repatriated over 40,000 Namibians by air and registered some 700,000 voters. At full strength MINURSO would deploy some 800 civilian administrators, 300 security police and 1,695 military personnel -- about 2,800 people in all. It is thought that MINURSO will draw on the experienced personnel of UNTAG to implement its mission. An important difference between UNTAG and MINURSO is that in Namibia all the parties wanted independence; the electoral issue was power-sharing and a relative role in drafting the constitution. In the Western Sahara, at issue is independence versus integration into Morocco and whether the referendum will even be held. The implementation of the U.N. Settlement Plan has, unfortunately, run into various snags and delays. As might be expected, there have been partisan accusations by both parties, with each side holding the other responsible for problems in the plan's implementation. Rather than trying to sort out the validity of these various partisan accusations, it might be more instructive to examine some of the inevitable and unavoidable difficulties of the U.N. plan itself. The secretary-general's settlement plan has a timetable for the several steps of implementation that culminate in a referendum of self-determination for the Sahrawi population. This timetable is meant to be suggestive, not rigid. Twenty weeks after "D-Day" (the cease-fire date), the referendum is to take place, offering *eligible* Sahrawis 18 years or older the choice between independence and integration with Morocco. According to the provisions of the plan, the work of the Voter Identification Commission is to be completed *before* the cease-fire takes effect. The basic problem in the implementation of Pérez de Cuéllar's plan is that, while the cease-fire took effect as scheduled on September 6, 1991, the crucial work of the Voter Identification Commission -- determining which individual Sahrawis are qualified to vote -- has yet to begin. The secretary-general, fully cognizant of the remaining difficulties in having the two parties reach agreement on the criteria for voter qualification, persuaded Morocco and the Polisario Front to begin the cease-fire period in order to avoid the risk of increasing violence on the ground¹⁷.

The secretary-general's special representative for the Western Sahara, Johannes Manz, and his able staff worked diligently on the unresolved problem of criteria for voter eligibility. One of their major concerns was to allow Sahrawis displaced by colonialism during the decades prior to the 1974 Spanish census the opportunity to vote on the future of the Western Sahara. This concern responded to the Moroccan argument that the Western Sahara conflict began long before 1975 and included the struggles of earlier generations of Sahrawis against Spanish colonial domination. Another concern was to include in the referendum Sahrawis present in the territory in 1974 but missed by the census. The criteria for voter eligibility finally drawn up by Johannes Manz and his staff were incorporated in the annex to Pérez de Cuéllar's final report on the Western Sahara,

which the secretary-general submitted to the Security Council on December 19, 1991.¹⁸ On December 31, Pérez de Cuéllar's last day in office, the Security Council passed a resolution that "welcomed" the secretary-general's report but took no position on its specific contents.¹⁹ The Security Council's intent in this resolution was to leave the voter-eligibility issue open for the secretary-general to resolve. To take account of Sahrawis not counted by the 1974 Spanish census, the new and expanded criteria for voter eligibility now recognize (in addition to those people counted in the census):

- Sahrawis born of a Sahrawi father who, himself, was born in the Western Sahara. The compromise nature of this provision is clearly indicated by the explanation that "in order not to widen excessively the scope of this provision, it has been restricted to one generation only."²⁰ In other words, children of a Sahrawi father who was born in the Western Sahara are eligible to vote, but not grandchildren or great-grandchildren.
- Sahrawis who lived six consecutive years in the Western Sahara prior to December 1, 1974.
- Sahrawis who lived intermittently for 12 years in the Western Sahara prior to December 1, 1974.

With these expanded criteria, Pérez de Cuéllar stated that the mandate of the Voter Identification Commission was now "finalized" and concluded: "In my opinion these documents constitute a just and fair basis for the conduct of the referendum." The new and expanded criteria for voter eligibility fell short of Morocco's preference, which was to extend the basis of voter eligibility back two more generations, to about 1900. Nonetheless, the important point here is that the new criteria are generally acceptable to Morocco. They take into account the 20,000 to 35,000 Sahrawis who left the territory and took refuge, mostly in southern Morocco, in the late 1950s, when French and Spanish forces put down an indigenous uprising. The new criteria could allow anywhere from 10,000 to 50,000 additional Sahrawis, presumably sympathetic to Morocco, to vote in the referendum. By contrast, the Polisario Front wants voter criteria that recognize only marginal additions -- perhaps up to 10 percent (about 7,000 people) -- to the 1974 Spanish census. Thus the new and expanded voter criteria are not acceptable to the Polisario.

The new criteria could allow anywhere from 10,000 to 50,000 additional Sahrawis, presumably sympathetic to Morocco, to vote in the referendum. . . . The Polisario Front wants voter criteria that recognize only marginal additions. . . to the 1974 Spanish census.

In Resolution 725, adopted at the end of December 1991, the Security Council requested that the secretary-general submit a further report on the Western Sahara situation within two months. Accordingly, Secretary-General Boutros-Ghali submitted a nine-page report on February 28, 1992,²¹ in which he reviewed military and diplomatic aspects of the Western Sahara question and then offered his conclusions and recommendations. The report cited numerous cease-fire violations, including over flights, improvement of

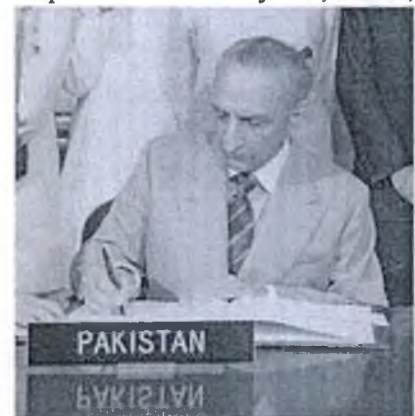
defensive works and troop movements. It attributed 75 of the 77 reported violations to Morocco. At the same time, however, the report welcomed the facts that the cease-fire was still holding, five and a half months after going into effect, that there were no exchanges of fire or military fatalities, and that the cease-fire violations were of a "lesser" nature. The report recognized as the key obstacle to the successful implementation of the U.N. plan the "fundamental differences" between the parties over eligibility criteria for voters. The lack of progress on this critical issue makes it impossible to establish a realistic revised timetable for the referendum. In no uncertain terms, Boutros-Ghali stated: *"It is obvious that, unless priority is given in the coming weeks to resolving this outstanding issue, it will continue to be extremely difficult to make meaningful progress in the implementation of the plan."* This statement was intended to refer to the POLISARIO and reflected U.N. frustration with the front for its refusal in January even to discuss the expanded guidelines for voter criteria. In the meantime, pending the resolution of this issue, the secretary-general took some modest steps to pare down MINURSO in order to minimize its costs.



Boutros Boutros Ghali

Looking to the immediate future, Boutros-Ghali concluded it is clear ". . . that, if an understanding is not reached on the eligibility criteria and on other aspects of the process, . . . implementation of the existing settlement plan will remain blocked." At the same time, however, he made clear to the parties that the patience of the international community has its limits; therefore, he set a deadline of three months -- that is, the end of May 1992 - for the resolution of all outstanding issues. The secretary-general warned that in the event of failure to reach agreement by that date on implementing the U.N. plan, ". . . it will be necessary to consider alternative courses of action and possibly adopt a new approach to the whole problem." In his report of February 28, 1992,

Boutros-Ghali expressed his hope that the appointment of a new special representative would provide fresh impetus and move the settlement process forward. The former special representative resigned at the end of 1991, frustrated that the lack of cooperation by the two parties had left him unable to implement the U.N. Settlement Plan. The absence of a replacement for Johannes Manz was a clear impediment to further progress, since the settlement process requires a high-level U.N. official, acting for the secretary-general, who can work full time on the demanding task of narrowing remaining differences between



Sahebzada Yakub-Khan

Morocco and the Polisario Front. Despite the obvious importance of filling this key position, a full three months elapsed before the appointment, on March 29, 1992, of Sahabzada Yakub-Khan as the secretary-general's new special representative for the Western Sahara. Yakub-Khan is a figure of some stature: an experienced and highly-

qualified Pakistani diplomat, he was ambassador to Paris, Washington and Moscow before serving as Pakistan's foreign minister from 1982 to 1987 and 1989 to 1991. He is thus a more prestigious official than the first two special representatives, who served from October 1988 to December 1991: Hector Gros Espiell, a Frenchspeaking Uruguayan lawyer and well known troubleshooter, and Johannes Manz, the former director-general of the Swiss Foreign Ministry, who now serves as Switzerland's permanent representative to the United Nations.

The voter-criteria problem is not the only difficulty that has hampered implementation of the U.N. Settlement Plan for the Western Sahara. Yet while unresolved technical problems are still of some significance, by comparison, these other problems seem soluble or manageable. Troubling delays in clearing MINURSO supplies through the Moroccan entry port of Agadir ceased in January and supplies are now reaching MINURSO personnel in a timely manner. Morocco and MINURSO have reached agreement on privileges and immunities for MINURSO personnel, but an agreement on the status of Moroccan forces in the Western Sahara is nowhere in sight. Once the voter eligibility issue is resolved, any remaining problems concerning the confinement of Moroccan troops to their bases are likely to fall into place. The critical issue, then, in the implementation of the U.N. Settlement Plan for the Western Sahara is that of voter criteria. It is over this problem that MINURSO will succeed or fail. In the present circumstances, Morocco is likely to hold firm to its acceptance of the criteria contained in Pérez de Cuéllar's report of mid-December 1991. With its strong position on the ground, Morocco is not likely to compromise on existing voter criteria in order to accommodate the preferences of the Polisario Front. In retrospect, it appears that Morocco outmaneuvered the Polisario in the diplomatic arena in the fall of 1991 and the winter of 1992. On the issue of voter-eligibility criteria, Rabat put forward the maximalist position that voter eligibility -- beyond those individuals named by the 1974 Spanish census -- should extend back at least three generations. It is not clear whether this represented a genuinely held Morocco position or diplomatic posturing or a combination of both. In any event, this position allowed Morocco this past winter (with the new voter criteria extending eligibility back one generation) both to express its reservations about the new criteria and then to accept them as a fair "compromise." The Polisario Front reportedly was willing to accept, at the most, a margin of 10 to 15 percent additional voters beyond the 1974 Spanish census (another 7,000 to 10,000). When the new criteria made possible a much larger margin, the Polisario found them unacceptable while Morocco could quietly claim a diplomatic victory.

On the other side, the Polisario Front now faces a rapidly closing window of opportunity. It has the agonizing choice of participating in a referendum it fears it may lose, or losing perhaps its last chance to win at the ballot box what it could not win on the battlefield. As it faces this choice, the United Nations will try to persuade the Polisario that it is

being offered a good deal, a fair deal that represents the best terms the United Nations is able to offer.

2.3.1.3 The Fundamental UN Peace Plan.

The UN's detailed peace plan was finally passed on April 29 1991 and a \$200 million budget for the unprecedented operation was ratified on May 17 (resolution 690 -1991). The ceasefire and referendum is being supervised by a specially created UN force, the United Nations Mission for the Referendum in Western Sahara (MINURSO). Despite Moroccan objections to the plan, MINURSO personnel began their work immediately. The five-stage peace plan is under way.

STAGE 1: June - 6th September 1991

- Morocco and Polisario agreed upon a cease-fire which came into operation on 6th September 1991. Officials of MINURSO's Identification Commission arrived in Western Sahara and updated the census taken by the Spanish administration before they left the colony in 1974. This census of 74,000 people forms the basis of the referendum voting list.

STAGE 2:

- MINURSO military and civilian establish their offices in Western Sahara. MINURSO will supervise the withdrawal of half of the Moroccan armed forces currently occupying Western Sahara, the remaining 65,000 troops will be restricted to designated areas. Armed POLISARIO units will establish bases in pre-arranged locations. Prisoners of war will be exchanged under the auspices of the International Committee of the Red Cross. The Identification Commission will verify and publish definitive voting lists.

STAGE 3:

- Under the supervision of MINURSO and UNHCR the 165,000 refugees who fled from the Moroccan invasion of Western Sahara in 1975 will be transported from their camps in the desert around Tindouf to safe locations inside Western Sahara. International observers will be invited to the territory to oversee campaigning and voting.

STAGE 4:

- Three weeks of campaigning are envisaged under rules which are currently being negotiated by the UN, Morocco and POLISARIO.

STAGE 5:

- The referendum on self-determination will take place over several days. Saharawis registered will be asked to vote under MINURSO supervision: Either for their legal independence Or full integration into the Kingdom of Morocco.

2.3.1.4 The Baker²² Plan – A Critical Analysis.

Since 1991 a cease-fire²³ is in place, accepted by both parties under the assumption that the UN would organize a referendum on independence. The 1991 referendum plan was however stalled due to disagreements on voter eligibility and by the late nineties Morocco was openly declaring the referendum a "dead option"; the cease-fire held due to foreign pressures on the Polisario. The Baker plan aims at instituting Saharan self-rule for a period of five years, whereafter the referendum is to be held, with Moroccan settlers controversially allowed the vote. The first version of the plan, called **Baker I**, was delivered by UN special envoy James Baker in 2000, but both parties refused to accept it. The second version (Baker II) included minor changes, notably provisions as to how the Saharan autonomy was to be safe-guarded from Moroccan pressures, pleasing the Polisario, but also adding a third option of "permanent autonomy" to the ballot, thereby indulging Morocco. This version of the plan was unanimously put forward by the Security Council in mid-2003. It was accepted by the Polisario but rejected it outright by Morocco, on the basis that the plan "questions Moroccan territorial integrity". This prompted Baker to resign, the second UN envoy to Western Sahara to do so, claiming there was no longer any feasible way to implement the peace agreement provisions. He has since then stated that Morocco showed no interest in implementing the UN decisions and will not do so if it stands a chance to lose in the referendum. Since early 2005 the UN Secretary General stopped referring to the plan in his reports, and by now it seems largely dead. No replacement plan exists, however, and worries persist that the political vacuum will result in renewed fighting.



James Baker

On July 31, 2003, the UN Security Council voted to "support strongly" former Secretary of State James Baker's proposals for resolving the Western Sahara dispute, the last Africa file remaining open at the UN Decolonization Committee. Baker has been the personal envoy of UN Secretary-General Kofi Annan since 1997, charged with making progress in the 1991 Settlement Plan for the Western Sahara even after Annan had damned it as a "zero-sum game," while also pursuing alternatives. Argument over the proposals, described in the resolution as "an optimum political solution on the basis of agreement between the two parties," went right down to the wire. The mandate for MINURSO, the UN monitoring body in the Western Sahara, would have expired at midnight on July 31. In the event, the US watered down the resolution's initial draft, which said that the Council "endorses" the plan. This phrase was interpreted to mean that the UN would push forward with Baker's plan despite the reservations of the Sahrawis and, more to the point, Morocco, which has occupied Western Sahara since the territory was vacated by Spain in 1975. The compromise wording "calls upon the parties to work with the United Nations and with each other towards acceptance and implementation of the Peace Plan."

For good or ill, this wording may prove to be a crucial dilution, as one of the key messages in Annan's recommendation of the proposals was that negotiations between Morocco and the POLISARIO Front, the Sahrawis' recognized representative, were all too often counterproductive. In essence, Baker has reheated 2001 proposals for a period of several years of autonomy for the Western Sahara under provisional Moroccan sovereignty, followed by a referendum in which the bulk of the Moroccan settlers introduced since 1975 would vote alongside UN-authenticated Sahrawis. The choice would be between integration with Morocco or independence, with the possibility of a third option, mostly likely continued autonomy, being added. The arithmetic would be weighted in Morocco's favor. Baker's proposals contrast with the UN Settlement Plan, drawn up in 1988 and approved in 1991. That document foresaw a referendum offering a straight choice between independence and integration. The electorate would have been based on the Sahrawi population as identified in a Spanish census of 1974. The official responses of POLISARIO and Morocco were published in May 2003, and it looked as if Baker's plan would be declared dead. Both parties spoke against it. For Morocco, the added detail in the five-page plan made it a different proposition from the exploitable ambiguities of the initial one-page document. Talk of decentralization in the kingdom remains just that; Morocco fears any solution that would grant real economic, political and judicial powers to the Sahrawis. Local powers that Sahrawi nationalists saw as insufficient to meet their aspirations at the same time were too much for Rabat. Furthermore, Morocco's long-term strategy has been to allow progress along the UN track only when it is more beneficial than simply sitting tight and deepening the occupation. Accepting the vague 2001 proposals had helped to sideline the more explicit 1991 Settlement Plan, while the addition of Moroccan settlers to the proposed voter rolls was construed as a major shift toward legitimizing Moroccan rule. The Settlement Plan has been sidelined. But Baker's current proposals define the contours of Sahrawi autonomy more clearly, as well as suggesting that the two parties would not be intimately involved in every aspect of developing the eventual referendum. Sensing a possible loss of control over the territory's fate, Rabat decided to obstruct Baker.

The resurrection of Baker's second iteration of his plan followed a surprise shift in the position of the POLISARIO Front, the top leadership of which reiterated rejection of the plan only a month beforehand. At that time, Mohamed Abdelaziz, secretary general of POLISARIO, told Middle East Report: "The only solution that has the acceptance of the parties and international community is the Settlement Plan.... We accept only that plan. We can make adjustments but it is the only basis." Ahead of the Security Council discussions, POLISARIO diplomats argued that their change of stance was qualified and did not constitute a breach of long-standing principle. The movement accepted the positive elements of the plan -- that it retained the notion of self-determination and withdrawal of Moroccan administration -- but everything else, it maintained, would have to be negotiated with the UN. The proposed voter rolls for the eventual referendum remained entirely unacceptable, and so did the length of the transition period. What lies behind the change in the Sahrawis' official position, and has it moved the dispute into a new phase? At the tactical level, POLISARIO has achieved a diplomatic victory by

discomfiting Morocco. While both the kingdom and its adversary opposed the proposals, rejection was relatively risk-free for each. For Morocco, a country that trades on its role as a US ally and, talking of trade, is in the midst of free trade agreement negotiations with Washington, opposing a US- (and British-) supported plan drawn up by a former US secretary of state is distinctly less comfortable. After the standoff over the Iraq war at the Security Council, having France as a principal supporter probably does not help matters either. The outcome is the second blow in little more than a year to the Moroccan diplomatic corps. It had welcomed the first iteration of Baker's proposals and was convinced the Security Council would push it through in the spring of 2002. In fact, the plan was thrown out, raising rumors that Baker would resign from his job as special envoy out of pique. As POLISARIO officials publicly acknowledged, their about-face came only after pressure had been exerted. UN representative Ahmed Boukhari spoke of "the insistent wishes expressed by several countries inside and outside the Security Council, including Algeria and Spain [the former colonial power and outgoing holder of the Security Council presidency]." In private, other Sahrawi diplomats said the pressure had been intense. According to an Algerian press report, Abdelaziz was summoned by three leading Algerian officials at the end of June in an attempt to press him to change the independence movement's stance. POLISARIO is not an arm of the Algerian security forces, as Morocco claims, but Algeria has been the movement's key sponsor and supporter since Spain handed the Western Sahara to Morocco and Mauritania in 1975. (Mauritania subsequently renounced any claim to the territory.) POLISARIO's refugee camps, housing at least half the Sahrawi people, lie inside Algerian territory and are supplied from Algeria. Many Sahrawi students train there and Sahrawi diplomats are supported by the Algerian foreign ministry. POLISARIO is not in a position to refuse firm demands from its principal sponsor. The movement may have been persuaded to change its tune through rational argument or realpolitik but, certainly, many of its leaders had little appetite for the shift.

In 2002, Algeria's critique of Baker's proposals was excoriating. Yet a year later, Algeria was referring to the reworked version as "a historic compromise in favor of peace." A first reading of the new Algerian position paper was sobering for POLISARIO, and clearly came as a surprise to at least some senior officials. Within days the movement issued its official interpretation. "The packaging is soft but the core is hard," said Mohamed Khaddad, a senior Sahrawi negotiator. After the show of US dominance in the Iraq war, the Algerians could not simply reject Baker's plans. But their caveats were so fundamental that if inserted they would return the process to the essence of the 1991 Settlement Plan, the Sahrawis' argument went. Algeria's insistence on proper UN monitoring and guarantees alone would push the Moroccans toward rejection, even if the Security Council could or would find the resources to do the job. Raising the issue of identifying the electorate awakened the specter of the wasted years when Morocco and POLISARIO fought over who would vote in the referendum that was to be part of the 1991 Settlement Plan. Perhaps Algeria has simply carried off another of its diplomatic tours de force; Moroccan officials ruefully admit to the skillfulness of Algerian diplomacy. But Algeria's support for POLISARIO has to be seen through the optic of

regional and international politics. That support is an expression, not a cause, of Algerian-Moroccan rivalry for preeminence in the Maghrib. Other expressions have been border closures, the pitiful levels of economic cooperation and the still unresolved issue of common borders, particularly around the Tindouf area where -- not coincidentally -- the Sahrawi refugee camps are located. The pace of Algerian-Moroccan competition has quickened in recent years. Post-revolutionary Algeria -- once avowedly "socialist," a price hawk within OPEC and a champion of Third World liberation -- has moved toward becoming a liberalized economy with falling dependence on oil prices and greater dependence on natural gas export volumes. The country has also been at war for a decade with the Islamist bogeyman. Through the Eizenstat initiative, the US is pushing for a unified North African market. As the economy of Algeria liberalizes and becomes more globally integrated, so the power elite must realign its interests economically and politically. The cause of Sahrawi independence will be affected.

Earlier in 2003, former Algerian military strongman Khalid Nezzar expressed the view that the Western Sahara should no longer separate the "the two brother countries." In an age of great regional blocs, it was necessary to create "our own Maghribian space." Resorting to the language that had signaled the demise of the UN Settlement Plan and its replacement by Baker's plan, Nezzar said that a solution "would be to go towards the thesis of no winner, no loser." While Nezzar's comments brought criticism, the critics' main complaint was that he seemed ready to sell the Western Sahara without extracting a reasonable price, not that he was willing to sell it. Can this incident be isolated from the language of Algeria's response to Baker's revised plan? Can it be isolated from increasing US-Algerian and (sometimes competing) French-Algerian cooperation? Is it significant that Algerian President Abdelaziz Bouteflika is the same man who in 1975, when foreign minister, urged his government to concede the Western Sahara to Morocco and Mauritania in exchange for a firm border agreement? Whether or not Bouteflika gets a second term of office could be important to determining Algeria's eventual attitude. POLISARIO has also been feeling internal pressure. Since the 1991 ceasefire ended the movement's war with Morocco, the 160,000 residents of the refugee camps have been marginalized. Their guns have been silenced. Their only other weapon, the vote in the referendum that was quickly to follow the ceasefire, has been withheld from them by Moroccan intransigence and UN irresolution. In the spring of 2003, and not for the first time, POLISARIO officials began to let slip to journalists that the leadership was under pressure from its constituency to return to the armed struggle. There is a willingness in the camps to fight -- perhaps widespread, perhaps not -- but, in any case, the practicality of the proposal is questionable. After three decades of isolation in a harsh environment, POLISARIO's constituency wants to see progress. Youngsters who have never seen their homeland and senior officials alike rail in frustration at the years of neither war nor peace. A return to armed struggle would likely have been symbolic. While Morocco's standing army has developed over the years of ceasefire, POLISARIO's guerrilla fighters have mostly been stood down. Veterans are now too old to fight, and the weapons stock is likely to have deteriorated. Nor is it certain that Algeria would ever permit a resumption of hostilities from its soil. A meeting of the POLISARIO National Secretariat

in June agreed that the leadership would advise the October congress against military action. That path of action ruled out, the leadership still faced pressure to come up with something. Baker's plan looked like the only game in town. Ironically, far from militant rejectionism, POLISARIO has opted for what many have described as the Western Sahara's Oslo accord. Of course, the frustration felt in the camps (and in the occupied territory too) has two faces. One is the demand for movement. The other is withdrawal from the struggle. The camps have become less collectivized over the last decade. There is an embryonic economy centered around petty commerce, animal husbandry, vehicle repairs and the like. Several thousand young men have gone to Spain to work as migrant laborers. Their remittances have improved living conditions but also have changed the nature of camp society. There is talk of the "normalization of exile," of pilfering of aid material, petty theft, resumption of dowries. Some professionals trained at overseas universities complain about not being able to exercise their skills. Some with necessary skills are tempted to go into commerce where they can earn money rather than devote themselves to unpaid work for the community. Nearly thirty years into exile, the surprise is perhaps that such social changes have taken so long to come about and that they may strengthen the independence movement rather than weaken it. But they do constitute another pressure on the leadership.

2.3.2 Various Agreements Among the Parties and UN Resolutions. There were numerous UN resolutions and agreements were published which are discussed below.

2.3.2.1 Houston Agreement / Negotiations: Agreement between Morocco and the Polisario Front

After 3 days of talks behind closed doors in Houston, the UN Special Envoy Mr. James Baker III announced on September 16 that the parties involved in the conflict came to an agreement that laid the groundwork for an end to their dispute over Western Sahara by agreeing to a code of conduct governing a referendum that would decide the fate of the territory. The U.N. mediator said the accord would be presented to the United Nations to decide whether a referendum could be held, and when. At issue is whether Western Sahara is incorporated into Morocco or becomes independent, as supported by the Polisario Front. "We have agreed upon pretty much everything that is necessary for the United Nations to reinstitute the (referendum) process", he told. Baker, who described the Houston talks as "fairly difficult", said the issue of who would vote had been decided, but it was a "very, very complicated issue". *"It depends on tribes and tribal groupings and a whole host of other things. I can tell you that I would estimate we would probably see a total electorate in this case of something in the neighborhood of 80,000 voters,"* he said. In his opinion the vote could take place in "10 or 11 months", and he affirmed that both sides had agreed to give the United Nations "all the authority that it deems necessary in order to organize and conduct a free and fair referendum." He said also there was no guarantee that everything agreed to in this latest round of talks would be fully implemented.

The agreement concerns following points:

1. **Transitional period**

The two sides recognize the authority of the UN during the transitional period in order to allow the organization of a transparent, free and fair referendum. The agreement is included in a declaration about the function and presence of the UN in the period between the end of voter identification and the vote.

2. **Code of conduct during the electoral period (3 weeks)**

This agreement includes the possibility for both parties to have an equal access to the medias and warrants freedom of speech and movement during this time. International observers will be allowed to watch the electoral campaign as well as the members of the Polisario support committee, in which the international solidarity groups will be present.

3. **Voter identification (8 - 10 months)**

This point is matter of another agreement setting the conditions of the resuming of the voter identification and the appropriate criteria. Morocco renounces to present global lists. The members of the contested tribes can participate to identification but only as individuals without being convoked. The Polisario accepts oral testimonies as identity evidence. This formula is supposed to bring a total electorate of something around 80,000 voters. The identification process could be resumed in 4 - 6 weeks.

4. **Agreement on confinement of Moroccan and Saharawi troops.**

5. **Agreement on release of POWs and political detainees.**

6. **Agreement on return of the refugees actually in the camps near Tindouf.**

2.3.2.2 **Manhasset Negotiations.**

The 2007 Manhasset²⁴ negotiations (also known as Manhasset I and Manhasset II) are a series of talks taking place at Manhasset, New York between the Moroccan government and the representatives of the Sahrawi Polisario front rebel movement to resolve the Western Sahara conflict. They are considered the first direct negotiations in seven years between the two parties²⁵. Also present at the negotiations the neighboring countries, Algeria and Mauritania. The negotiations are a result of the United Nations Security Council Resolution 1754 of April 30, 2007 which urged both parties to "enter into direct negotiations without preconditions and in good faith." The resolution also stipulated the United Nations Mission for the Referendum in Western Sahara (MINURSO) mission extension until October 31, 2007²⁶. The first round of talks took place on June 19-20, 2007 during which both parties agreed to resume talks on August 10-11. The second round ended with no breakthroughs but parties agreed again to meet for another round

tough no date has been fixed yet. The negotiations are being supervised by Peter van Walsum, UN Secretary General Ban Ki-moon's personal envoy for Western Sahara.

UN Security Council Resolution 1495.

United Nations Security Council resolution 1495 was unanimously approved by the council on July 31, 2003²⁷, and dealt with the decolonization process of Western Sahara. Its main importance was that it "supported ... as an optimum political solution" the Baker Plan, put forth by James Baker III²⁸, who was at that time the Special Representative for Western Sahara of the UN's Secretary-General Kofi Annan²⁹, as a replacement of the 1991 Settlement Plan³⁰. The resolution was welcomed by the Polisario Front, which supported the Baker Plan, but not by the Kingdom of Morocco, which resisted it.

United Nations Security Council Resolution 1754.

United Nations Security Council Resolution 1754 is a United Nations Security Council resolution intended to resolve the Western Sahara conflict between Morocco and the Polisario Front. It was adopted unanimously by the Security Council on 30 April 2007.

Various UN resolutions/Secretary Generals letter to Security Council is enclosed at the end of the chapter.

2.3.3 **UN Mission for the Referendum in Western Sahara (MINURSO).** This field mission was established after the cease fire agreed by both the parties in 1991.

2.3.3.1 Establishment of MINURSO.

United Nations Mission for a Referendum in Western Sahara - MINURSO (Mission des Nations Unies pour l'organisation d'un référendum au Sahara Occidental) was established by the UN Security Council in 1991. MINURSO is a multinational force made up of contingents from 50 nations. It consists of 1700 troops, and 800 civil and police personnel and has a back-up staff of 300. All the members of



the UN Security Council have contributed personnel to MINURSO. The overall cost of the operation is almost \$200 mn, with an additional \$34 mn earmarked for the repatriation of Saharawi refugees. It operates on both sides of the wall. It has its mandate, inter alia, to monitor the ceasefire, organise the referendum, and oversee the exchange of prisoners and the later reduction of Moroccan troops. The organization of the MINURSO is at Annex B and the detail map of deployment with the manpower chart of forces is at Annex C.

The Peace Plan and Mission Mandate.

The MINURSO was established by Security Council resolution 690 of 29 April 1991 in accordance with settlement proposals accepted on 30 August 1988 by Morocco and the POLISARIO. The settlement plan, as approved by the Security Council, provided for a transitional period for the preparation of a referendum in which the people of Western Sahara would choose between independence and integration with Morocco. The Special Representative of the Secretary-General was to have sole and exclusive responsibility over matters relating to the referendum and was to be assisted in his tasks by an integrated group of civilian, military and civilian police personnel, to be known as the United Nations Mission for the Referendum in Western Sahara. MINURSO was originally mandated in accordance with the settlement plan to:

- Monitor the ceasefire;
- Verify the reduction of Moroccan troops in the Territory;
- Monitor the confinement of Moroccan and Frente POLISARIO troops to designated locations;
- Take steps with the parties to ensure the release of all Western Saharan political prisoners or detainees;
- Oversee the exchange of prisoners of war (International Committee of the Red Cross);
- Implement the repatriation programme (United Nations High Commissioner for Refugees);
- Identify and register qualified voters;
- Organize and ensure a free and fair referendum and proclaim the results.

While the organisation of the referendum has not been possible to date, other requirements of the mandate have been pursued successfully. MINURSO continues to perform the following tasks:

- Monitor the ceasefire;
- Reduce the threat of mines and UXOs;
- Support the confidence building measures.

On an exceptional basis, MINURSO has been involved in providing assistance to irregular migrants as well as humanitarian help in case of natural disasters.

The Civic Aspects of the MINURSO.

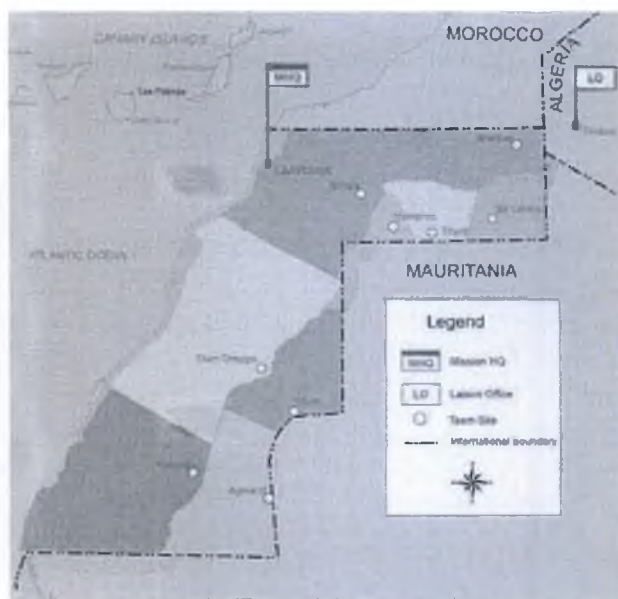
- Take steps with the parties to ensure the release of all Western Saharan political prisoners or detainees;
- Oversee the exchange of prisoners of war, to be implemented by International Committee of the Red Cross, (ICRC);

- Repatriate the refugees of Western Sahara, a task to be carried out by the United Nations High Commissioner for Refugees (UNHCR);
- Identify and register qualified voters;
- Organise and ensure a free and fair referendum and proclaim the results;

2.3.3.2 MINURSO's Military Role.

MINURSO Teamsites.

Headed by the Force Commander, 231 UN unarmed military observers (UNMOs) are distributed among 9 distant team sites east and west of the berm, a Liaison Office in Tindouf (Algeria), a staging area in Dakhla and in the Laayoune Headquarters. The sites' area of responsibility range from 12,000 to 47,000 square km. A team site carries out an average of 18 patrols (including night patrols) each week, covering a minimum of 2,000 km. Around 35-helicopter reconnaissance flights are conducted each month. In 2005, in cooperation with Department



MINURSO Team Sites

of Peacekeeping Operations (DPKO), MINURSO developed a new CONOPS (Concept of Operations), becoming the first UN peacekeeping operation to fully integrate military and civilian activities. The field structure was reorganized by closing the Sector Headquarters, Smara and Dakhla, and redeploying UNMOs from the sector headquarters to the team sites in order to increase the patrol and reconnaissance capabilities of the Mission. The result was an average increase of twenty-five percent in patrols.

A Critical Analysis of the MINURSO's Effort.

Ceasefire Monitoring.

1. On 1 September 1991 the first one hundred United Nations Military Observers (UNMOs) were deployed by MINURSO to Western Sahara in order to monitor the formal ceasefire which went into effect on 6 September 1991. The two military parties to the conflict, the Royal Moroccan Army (RMA) and the Frente POLISARIO (FPOL), have since avoided any resumption of the armed conflict. No serious incident involving the exchange of weapons fire has occurred.

2. The purpose of MINURSO's military activities is clear. In the absence of mutual confidence, it is MINURSO's task to reassure each party that the other party is not changing the status quo, nor is building up and preparing for offensive operations. MINURSO monitors the activities of the two parties day and night all year round through a combination of ground and air patrols and observation posts as well as through visits and inspections of units and headquarters. Both parties can be assured that they and the Security Council will be informed if MINURSO observes any activity that could lead to breaches of the ceasefire.



MINURSOs Deployment Map

3. MINURSO's peacekeeping activities allow the two parties and the civilian population to focus on their daily activities without any imminent risk of a new armed conflict. At the political level, the ceasefire "buys time" for the ongoing search for a lasting settlement of the Western Sahara issue.

4. Military officers from 27 countries serve as UNMOs in nine team sites located far out in the vast desert and in the MINURSO Liaison Office in Tindouf, Algeria. Each day, UNMOs perform approximately 25 day and night ground and helicopter patrols throughout Western Sahara using the team sites as their patrol base. Each month the patrolling amounts to more than 100,000 km of desert driving, the conduct of 50 to 60 helicopter reconnaissance, around 700 conducted ground patrols by 4x4 vehicle, and the visit to and inspection of 500 military headquarters and 1700 military units of the two parties.

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5. The nine team-sites report their observations to MINURSO Headquarters in Laayoune, where UNMOs serving as staff officers analyse their reports and issue instructions for

future patrolling. The reporting from team sites also serves to keep UN Headquarters in New York informed on the situation. The main focus is on military activities close to the 1750 km long “**Berm**” that cuts across Western Sahara. But patrols also monitor the situation in cities far from the Berm as the MINURSO geographical area of responsibility (AOR) covers the whole of Western Sahara.

6. MINURSO military component maintains close contact at all levels of the two parties for exchange of information and to ensure cooperation in critical and tense situations as well as the building of mutual trust. The UNMOs act in a professional, firm and impartial manner to achieve the mandate entrusted to them by the UN Security Council.

7. In order to perform their tasks, it is important that MINURSO UNMOs have full freedom of movement (FOM) throughout Western Sahara. This is generally the situation when patrolling in the desert and urban areas, whereas UNMOs access to some units, headquarters and strong-points are often subject to restrictions by either party. This is a major obstacle as UNMOs should be able to verify that the status quo is respected and that parties adhere to the ceasefire provisions and military agreements. MINURSO is working with both parties to have all restrictions lifted. Until then, all FOM violations are reported to United Nations Headquarters.

8. The nine team sites need to accommodate 20 UNMOs each on average. As there is no access to external water supply, electricity etc., each team site must function with its own facilities like generators, kitchen, cooling, washing, toilets, communication, etc. Fuel, water, spare-parts, food etc. need to be transported to each team site with trucks, aircrafts and helicopters. The daily administrative, medical and logistic support requirements are therefore quite demanding as the team sites are located in remote locations, several hundred kilometres out in the desert.

9. Medical support is provided by a twenty- person strong Medical Unit , currently from Malaysia (MMU). The MMU is located at MINURSO Headquarters in Laayoune but there are always two medical teams rotating through the various team sites.

10. During patrolling, it happens that MINURSO officers meet people in distress. UNMOs will then provide emergency help on a purely humanitarian basis. In the past such help included medical evacuations, provision of emergency food and water as well as medical assistance from the medical teams.

Military Agreement No. 1

11. In December 1997 and January 1998 MINURSO developed and signed Military Agreement No. 1 (MA#1) with the Royal Moroccan Army (RMA) and the Frente POLISARIO respectively. MA#1 lays down the obligations of both sides to the conflict and outlines the operational framework of the peacekeeping efforts of MINURSO in the spirit of the Ceasefire Agreement. Military Agreements No. 1 only details activities of Military movement and have no provisions for Civilian movements.

12. MA#1 is the basic legal instrument for the UN monitoring of the ceasefire. Since its inception, it has proved to be an effective tool, though it suffers from some loopholes and occasional ambiguous language.

13. MA#1 divides the disputed territory of Western Sahara into five parts:

- One 5 km wide Buffer Strip (BS) to the South and East side of the Berm;
- Two 30 km wide Restricted Areas (RA) along the Berm. The Buffer Strip is included in the Restricted Area on the POLISARIO side and the Berm is included in the Restricted Area on the RMA side;
- Two Areas with Limited Restrictions (ALR), which are the two remaining vast stretches of land of Western Sahara on both sides respectively.

Each one of the five parts has specific restrictions as to the two parties' military activities:

- Buffer Strip: No entry of RMA and FPOL personnel and equipment, by ground or air. No firing of weapons in or over the area. This is prohibited at all times and any infraction counts as a violation of the cease-fire.
- Restricted Areas: No firing of weapons and/or military training exercises, with the exception of physical training activities of unarmed personnel. No tactical reinforcements, no redeployment or movement of troops, headquarters/units, stores, equipment, ammunition, weapons, no entry of military aircrafts and no improvements of defence infrastructures. Some exceptions apply and some activities are allowed following prior notification to or approval by MINURSO (Note: these are restrictions in brief, for detailed information please read the MA#1 in full).
- Areas with Limited Restrictions: All normal military activities can be carried out with the exception of the reinforcement of existing minefields, the laying of mines, the concentration of forces, the construction of new headquarters, barracks and ammunition storage facilities. MINURSO needs to be informed if the parties intend to conduct military exercises, including the firing of weapons of a calibre above 9 mm.

14. In the event that either party violates the above restrictions, they are issued with a "violation notice" and the violation is reported to UN Headquarters in New York. The Security Council is also informed.

15. The MA#1 also provides some information on the Freedom of Movement (FOM) for UNMOs.

Disposing off Mines and Unexploded Ordnance (UXOs)

1. It is estimated that some 100,000 km² of Western Sahara may be affected by a large number of mines and unexploded ammunition (UXOs). The risk is greatest east of the Berm, especially in the areas of Mehaires, Tifariti and Bir Lahlou where the Royal Moroccan Army (RMA) conducted offensive operations in August-September 1991. The dangerous result is, among others, scattered cluster bombs, still active in these areas.



2. Each year the two parties and the civilian population and livestock suffer injuries and casualties due to mine- and UXO-related accidents. MINURSO had three mine-related accidents in the 90's. UN Military Observers (UNMOs) are still subject to daily risk as mines, UXOs and tracks are moving due to shifting sands and flooding.



3. In 1999 MINURSO signed Military Agreements #2 and #3 with the RMA and the Frente POLISARIO (FPOL) on the marking of mines and UXOs and the exchange of information. On an almost daily basis MINURSO patrols see mines and UXOs. They mark them and put the information into our database and exchange the information with the parties and relevant NGOs.

4. On the RMA side there has been destruction of mines and UXOs whereas destruction activities on the FPOL side have so far been limited. The RMA still have a large number of unmarked and unfenced mines placed in front of the Berm.

5. MINURSO considers the issue of mines and UXOs very important for the local population, the two parties and the safety of its own personnel. It is a main priority for MINURSO to reduce the risk through various activities. The two parties are in support. The FPOL signature of the Geneva Call "Deed" against the future use of landmines and the destruction of stockpiles is a very positive recent development. In February 2006 MINURSO witnessed the destruction of the first 3100 personnel mines in Tifariti.



6. MINURSO present and future activities to reduce the risk of landmines and UXOs in Western Sahara include the following:

- (i) The marking of mines and UXOs, updating the database and cooperation and exchange of information with the two parties;

- (ii) The production of maps for safe movement and mine-UXO-maps through the establishment of a MINURSO Geographic Information Support (GIS) cell;
- (iii) Marking of safe tracks;
- (iv) Work with the RMA to destroy or fence and mark all mines and UXOs close to the Berm or west of the berm;
- (v) Cooperation with the UN Mine Action Service (UNMAS) in New York to have a UK-based NGO (Landmine Action, LMA) conducting mine- and UXO-clearing, initially east of the Buffer Strip. LMA began working in August 2006 and has been granted funds for 11-12 months of operations;
- (vi) The establishment of a Mine Action Coordinator post in the MINURSO Mission Headquarters;
- (vii) Mine awareness training and campaigns for the local population, including populations in the refugee camps in the Tindouf area. We plan to develop and participate in a regional mine awareness campaign in cooperation with UNDP and UNICEF;
- (viii) Work with partners, the RMA, FPOL, the Governments of Mauritania and Morocco and interested NGOs to reduce the risk in Western Sahara and in border regions;
- (ix) Improve our casualty evacuation system, day and night.

7. While keeping the peace, MINURSO's aims to make Western Sahara and border areas a safer place for all, thereby leaving a lasting and positive reminder of the UN presence in Western Sahara.

2.3.3.3 Confidence-Building Measures (CBM) by MINURSO and UNHCR.

The confidence-building measures programme, led by UNHCR with assistance from MINURSO, is a programme designed to facilitate greater contact between Saharan communities living in Western Sahara and in the refugee camps in the Tindouf area (Algeria). Four elements are included in the design of the programme, being the exchange of family visits, a free telephone service between the refugee camps and towns in Western Sahara, seminars on non-political topics and a free postal service. The CBM as proposed by UNHCR fall strictly under UNHCR's mandate and its action to improve the protection conditions of the Saharawi refugees. They are not linked in any way to the political options that may be under consideration concerning the resolution of the



Western Sahara conflict. The immediate objective of these measures is to allow refugees living in the camps of Tindouf in western Algeria to have additional means of communication with members of their communities of origin living in the Western Sahara Territory and vice versa.

Key CBMs Activities Proposed by UNHCR

- Telephone service between the refugee camps and the Western Sahara Territory
 - Exchange of family visits
 - Seminars on non-political topics involving Saharawis from both sides
 - Mail service between the refugee camps and the Territory (consultations are underway)
- These are basic humanitarian actions, to be operated directly by UNHCR in close cooperation with MINURSO and implemented within UNHCR's protection mandate.

2.3.3.4 Evaluation of MINURSO.

Peacekeeping operations have traditionally been assessed in relation to two variables. Firstly, the ability to limit armed conflict, this is the operation's capacity to achieve negative peace. Secondly, the promotion of conflict resolution, this is the operation's capacity to achieve positive peace (*Galtung 1976*). Most studies on peacekeeping point out its efficiency in terms of reducing the level of conflict and violence in missions which have some degree of operational consent. These studies also report that most operations fail to bring parties together in a negotiation process focused on resolving the underlying issues that led them to war. MINURSO's outcomes so far follow this pattern. Its success has been, like most peacekeeping operations, limited to halting violent interactions between warring parties and it has failed to implement the other aspects of its mandate (reducing and lodging troops, exchange of POWs, the freeing of political detainees, returning refugees to their homes, de-mining activities, human rights' protection, confidence building measures, UN transitional administration, organisation of both the campaign for the referendum and the referendum itself). Thus, MINURSO has been categorised within the group of the so-called frozen peacekeeping missions (the operations in Cyprus and Lebanon would also be included in this group). These missions have been totally unsuccessful at bringing parties together in a negotiation process. The peacekeeping operations in Cyprus and Lebanon were initiated in the Cold War period to avoid conflict escalation. On the other hand, MINURSO was adopted at the onset of the post-Cold War period and was mandated to promote conflict resolution in the Western Sahara. MINURSO adopted a peacebuilding agenda which was to provide self-determination for the Saharan people, disarmament and withdrawal of troops and a repatriation programme. Throughout 80's, OAU efforts to organise a free and fair referendum for self-determination of the Saharan people were jeopardised by Morocco's attempts to secure its position in the Sahara. This was accomplished through shifting diplomacy from the main forums dealing with decolonisation issues, namely the UN Fourth Committee and the OAU, to the UN Secretariat (Secretary General's good offices). The peace plan was the result of personal negotiations between King Hassan II

and the UN Secretary General Pérez de Cuéllar. This diplomatic strategy was supported by the US and France in the Security Council. Since MINURSO was put in place in 1991, the mission has been unable to provide space for transformative conflict resolution because UN peacemaking efforts have been constrained to a great extent by Morocco in connivance with the most powerful members of the Security Council. In this sense, the mission has failed at developing a multi track diplomatic approach (Diamond and McDonald 1996; Lederach 1997), i.e. involving local constituencies in the political decisions taken by party leaders and international diplomats in relation to peacemaking, peacekeeping and peacebuilding processes. The UN Secretariat peacemaking strategy was inadequate as it was neither based on a realistic assessment of the political scenario in which the mission was set up nor on the means required in order to guide the operation towards successful completion.

Moreover, the secretariat's authoritative approach to the implementation of the peace plan and, more specifically, to the criteria for the identification of voters limited the chances of the operation's success. In fact, international human rights organisations and former diplomats of MINURSO have claimed that the secretariat's policymaking was biased in favour of Morocco (Rudy: 1995). The mission's success in its peacekeeping tasks has been to some extent partial. MINURSO has focused mainly on the effects of institutionalised, 'government sanctioned' violence i.e. maintaining the ceasefire between the warring parties. On one hand, it has successfully limited the number of casualties by monitoring and maintaining the ceasefire. However, on the other hand, the mission has not been able to take an active stance against political violence: preventing human rights violations, promoting the rule of law, ensuring the liberation of all POWs or clarifying the fate of Saharawi disappearances. In addition, the mission has not allocated resources for investigating the problem of land mine related casualties. Progress made by MINURSO in implementing the post-settlement peacebuilding measures outlined in the UN settlement proposals (confidence-building measures for the return of refugees, land mine clearance, UNHCR repatriation operation planning, code of conduct for the referendum campaign, cantonment and reduction of troops) has been hindered mainly by Morocco's unwillingness to cooperate with the mission and also by the Security Council and the Secretariat's reluctance to use their leverage on Morocco. The stalemate in the peace process has in turn aggravated the humanitarian situation of Saharan refugees. In addition, MINURSO lacks the mechanisms to put in place a comprehensive peacebuilding agenda so as to support the protection of the Saharawi people whose rights are not being sufficiently promoted in the current political framework. The lessons learned from MINURSO shed light on the extent to which the implementation of peace operations' mandates needs to be linked with thorough clarification and integration of UN peacekeeping practice in conflict resolution processes. For instance, the transformative role of peace operations can be enhanced by strengthening the links between the UN agents and civil society organisations. Progress in these reforms is highly dependent on the International Community's willingness to engage in a larger democratization process of the UN decision making model. In brief, the Western Sahara operation has only been able to function as a conflict stabiliser

operation because contention has been its main function and power politics have hindered MINURSO's transformative role.

2.3.3.5 UN's Failure – An Introspection.

As long as Morocco opposes the referendum, the UN process finds itself up a blind alley. Even seven years of James Baker serving as the UN's Special Envoy were not enough to obtain a solution which respected the rights of Sahrawis. Despite previous agreements to hold a referendum which would include the possibility of independence, Morocco now declines to accept these. So it is back to square one. A 17-year-long UN-led process has failed to lead to any political breakthrough at all. Kurt Mosgaard³¹, the former UN Force Commander of its mission in Western Sahara, MINURSO, believes the UN must



react. He says the UN needs to be clearer in its demands, and that it is high time for the referendum on independence for Western Sahara to be held. He is thereby critical of Morocco's rejection of a referendum. *"The UN should state that the referendum on Western Sahara must encompass the possibility of independence. Of course the referendum must include this alternative. You only need a normal level of insight to understand this,"* says Mosgaard in an interview.

REALPOLITIK³². Kurt Mosgaard now holds a senior position in the Danish military, and has some clear opinions on the failed UN process. He believes that "commercial thinking and classic realpolitik" are the major reasons why a solution on Western Sahara has never been arrived at. "Some of the permanent members of the Security Council have had links with one of the parties concerned, which has meant they didn't want



to apply too much pressure. I am a very strong supporter of the UN, but I also think it has some weaknesses. The UN must have a position, and one shouldn't always opt for the easiest solution," says Mosgaard. He has shown an ability to act. When he was Force Commander for MINURSO, he gave the order that the Moroccan flag over the UN building should be lowered for good. The flag had caused great irritation to many Sahrawis and UN staff, but none of his predecessors up to that point had dared to take it down. This small but very symbolic act was to make him most unpopular in Moroccan circles. "The matter is simple. The UN is clear that Western Sahara is a territory whose

status is still unclear. So it is unacceptable that a Moroccan flag should fly above the UN building. It goes directly against our mandate. I don't know how this can have continued for 16 years without anyone having taken action", he says. He says that the flag issue is one of many instance of the UN saying one thing in New York, but often playing a different role in practice.

Time To Get Tough. After 17 years of dialogue between the parties, with a frustrated and isolated population in the Algerian desert, and 45 million dollars in annual costs to the MINURSO mission, the Major General thinks that the UN has spent far too long trying to find a solution. The chief problem, he maintains, lies in the choice having been made to adhere to Chapter VI of the UN Charter on a peaceful solution acceptable to both parties. "It is high time the UN got tough and spoke out more clearly. If the UN does not deviate from Chapter VI, another 30 years will go by of maintaining the status quo", says Mosgaard. If the Security Council goes a step further and makes use of Chapter VII, it mandates the use of force by UN member states to create peace. This is the course taken when it is seen that a peaceful solution to a conflict is not forthcoming, and the situation is a threat to international peace and security. When Iraq occupied Kuwait in 1990, and the UN went to the military defence of the country, the Security Council invoked Chapter VII, and since 1990 well over 100 resolutions have been adopted in accordance with Chapter VII. However, the Security Council has been unwilling to do the same when it comes to Morocco's occupation of Western Sahara since 1975.

"United for Nothing (UN)". The main task of the MINURSO force was to oversee the ceasefire. This part of the agreements between Polisario and Morocco has been a great success. Mosgaard says that despite everything the two parties cooperate well with the UN on this part of the agreement. "At the same time, some will perhaps say that the ceasefire only postpones the problem, as it was, after all, only meant to be an interim solution while awaiting a permanent political solution." On the other hand, MINURSO has no mandate to intervene or to report on human rights violations in Western Sahara. For several years Polisario has been calling for MINURSO to have the right and the duty to protect the civilian population against such violations. Norwegian Foreign Affairs Minister Jonas Gahr Støre has also called for MINURSO's mandate to be broadened, but the subject has never been opened for debate by the Security Council. So the mission stands back as a "silent witness to grave abuses of human rights", according to Amnesty. Despite the ceasefire, the Sahrawis maintain that the UN presence has been a fiasco. For many of them, it was unacceptable to lay down their weapons at all back in 1991 in favour of a referendum. Now they see that Polisario's strategy may have been a failure and that the UN is not in a position to push ahead for a solution. The Sahrawis are merciless in their criticism: "UN stands for United Nothing," they say in the refugee camps in Algeria. Mosgaard is nevertheless certain that another war will not provide a solution, and that neither Polisario nor Morocco could emerge as victors. "On the contrary, another war could lead to unrest throughout North West Africa. It would cost many lives on both sides, and cause new waves of refugees. Morocco would be severely

affected economically, and there would always be the risk that a war would involve the neighbouring countries. Every day without war is a good day," says Mosgaard.

2.3.4 **An Analysis on Referendum Process and UN's Enforcement Actions.** Since the initial effort of UN was directed for holding a referendum as such a detail analysis would reveal interesting facts of the promised referendum as enumerated below.

2.3.4.1 **What Went Wrong With the Referendum?**³³

Those same well-paid lobbyists I just mentioned emphasize what a great ally of the United States Morocco is. Well, that happens to be the truth. Morocco is not evil incarnate. The point is, however, that however helpful Morocco is to us in carrying out diplomatic missions elsewhere, particularly in the Middle East, that same ally, Morocco, acted more like the Mafia in Western Sahara. For example: Arabic speakers working for the U.N. came to me to report that Sahrawis coming in to register as voters were complaining to them (in Hassania, the local Arabic dialect) that members of their families and friends had registered to vote at the Moroccan-run centers but never appeared on the voters list. The Moroccans had disenfranchised them. Others complained that relatives and friends were on the list to register as voters, but the Moroccans refused to let them do so. The Moroccan police kept away everyone who wasn't approved by the Moroccan authorities. People coming to register on a given day couldn't just walk in. Only those with the Moroccan seal of approval could enter. In this way, the Moroccans controlled who registered to vote. Welcome to the Moroccan-run police state of Western Sahara. That's just not the way it's supposed to be, of course, and that's not the kind of the process the U.N. is supposed to be funding. For this same reason we could not invite Sahrawis to fill out voter application at our centers. No Sahrawi was allowed anywhere the Moroccan Government doesn't want him or her to be. It cannot be stressed too strongly, Western Sahara, under Moroccan control, is a police state, something we as Americans are not used to, a fully functioning and efficient police state. One other observation: Some Sahrawis who reported what the Moroccans were doing to them asked that our U.N. people keep an eye out for them in case they disappeared. Many said they were scared for their lives if the Moroccans saw them talking to U.N. people. Others asked not to be recognized outside the U.N. center. Terrorized is not too strong a word. Their comments reminded me of nothing so much as South Africa in the early 70's when blacks would talk to you freely in the safety of the U.S. embassy in Cape Town or Pretoria, and then pretend they didn't know you as soon as they left, lest they be observed by the South African Special Branch talking to "foreign trouble-makers." Morocco didn't and still doesn't want the referendum because the risks outweigh any possible gains. From Morocco's point of view, the status quo is not so bad. But for P.R. reasons, Morocco cannot afford to appear to be the villain of the piece and continues to find ways to delay any referendum until everyone is sick of it. This is a long-standing practice that sometimes is simply absurd. On one occasion, like something out of Ionesco, Morocco halted the identification process for over a week, at a

cost, once again, of \$100,000 per day, on the question of the whether an adverb used in a schedule proposed by MINURSO was *le mot juste*.

This resulted in an exchange of formal letters and a good deal of sophomoric quibbling. If Morocco had been interested in clarifying the matter, as opposed to simply delaying the process, it could have been done so in two minutes in a phone call to the French-speaking former Togolese ambassador, who drafted the letter. In the same month, the Moroccan liaison officer with MINURSO, one Mohammed Azmi, bragged publicly to a group of MINURSO people in a bar that he alone was the one to decide whether identification would go forward the next day, and to prove his point, he picked up the phone (it was then about midnight) and, in front of everyone, cancelled the next week's identification sessions. These are the actions of Machiavellians who do what they please with impunity from U.N. sanctions and without a care for the integrity of the referendum or the waste they are incurring. The identification process was supposed to begin on June 15, 1994, but the start was delayed two-and-a-half months, at a cost of millions of dollars, while the U.N., the Sahrawis and Morocco engaged in more time-wasting, this time negotiating over what to call the OAU representatives who were to come to observe the identification. The Moroccans had walked out of the OAU years before because it recognized the Sahrawi Arabic Democratic Republic (R.A.S.D.), the diplomatic name for the Sahrawi homeland, and now Morocco said they didn't want OAU people involved in the referendum. The OAU representatives were part of the referendum process and, as the Moroccan knew, had to be there. In the end a compromise about what they were to be called was reached, and the OAU representatives were permitted to enter. The absurdity was that this had all been worked out in 1993 so there was no need, except delay for the sake of delay, to reinvent the wheel once the referendum was beginning.

2.3.4.2 Enforcement of Legal Rights - Action under Chapter VI and VII of UN Charter.

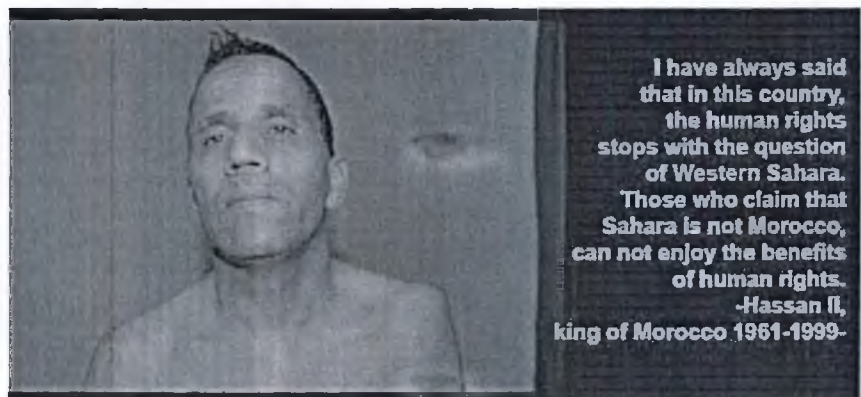
Chapter VI.

However, it might not be necessary to bring Western Sahara under the rubric of Chapter 7 of the United Nations Charter. A decision of the International Court of Justice calls into question Baker's view of the limited powers to enforce the legal rights of the Sahrawis conferred upon the United Nations under Chapter 6. It must be recalled that the issue is not whether the Security Council may properly use force to settle the dispute; rather, it is whether the Security Council can take measures to enforce the Sahrawis' right to a referendum and the enforcement of the terms of the Settlement Plan, and to prohibit Morocco's use of their natural resources – which would not necessarily require the use of force. There is precedent establishing the binding nature of resolutions issued under Chapter 6. In the *Namibia* case, the Court discussed the legal effect of paragraph 2 of Security Council Resolution 276 which declared that South Africa's continued presence in Namibia is illegal. The Court stressed that "a binding determination made by a competent organ of the United Nations to be effect that a situation is illegal cannot remain without consequence" and disagreed with the argument that Article 25 of the

Charter required States to “accept and carry out” only enforcement measures of the Security Council made pursuant to Chapter 7. Rather, the Court pointed out that Article 24 of the Charter vests in the Security Council the authority necessary to render decisions under several Chapters, including Chapter 6, and that under Article 25 it is for member States to comply with those decisions.³⁴ Accordingly, even without bringing the issue within the rubric of Chapter 7 of the Charter, the United Nations arguably has the power to take measures short of force that would uphold the Sahrawis’ legal rights. Moreover, a decision by the United Nations to enforce the terms of the Settlement Plan and hold a referendum would not constitute a situation in which the United Nations would be *imposing* a solution upon parties to a conflict, rather it would be a situation in which the United Nations would be *enforcing* a solution already agreed by the parties – an entirely different matter. A number of commentators who have concluded that Chapter 6 does “not permit coercion of States into compliance with [Security Council] resolutions” nevertheless draw a distinction with respect to carrying out peacekeeping operations initially consented to by the parties.³⁵ And there are instances in which the Security Council has arguably taken coercive measures, including the implementation of an election law that contained provisions opposed by all factions, to enable a peace process to move past dead-end negotiations.³⁶ Furthermore, it should be remembered that the issue is not whether the Security Council has the power to send a peacekeeping force into *Morocco* without its consent; the issue is whether it has the power to send peacekeepers into *Western Sahara*, which is not part of the territory of Morocco, without Morocco’s consent. Should it be necessary for the Security Council to maintain a peacekeeping force in Western Sahara over the objections of Morocco for the purpose of conducting a referendum or otherwise enforcing the Sahrawis’ rights, this would not run afoul of any prohibition in the United Nations charter, since it would not involve United Nations interference in the domestic jurisdiction of a member state. Accordingly, although there is a split in opinion over how far-reaching the powers of the United Nations under Chapter 6 may be when it comes to the use of force by a peacekeeping mission to impose a solution upon parties to a conflict, and upon the power of the United Nations to interfere in the domestic jurisdiction of a State under Chapter 6 or 7,³⁷ there is no compelling precedent which would deny the United Nations the authority to intercede in the conflict over Western Sahara to carry out a referendum or otherwise uphold the legal rights of the Sahrawis in any manner short of sending troops into Morocco.

Chapter VII.

It is one thing to decide that as a matter of international law the Sahrawis have a right to self-determination, a



right to see the Settlement Plan agreed with Morocco implemented, and a right to restrict the utilization of the resources of Western Sahara by Morocco during its period of occupation, but it quite another thing to determine a method to enforce such rights. Throughout history international legal scholars have been quick to find the existence of rights which cannot be enforced by existing legal or political instrumentalities, and rights without the means to enforce them are arguably no rights at all. Indeed, one of the arguments belatedly raised by the Secretary General as justification for the abandonment of the Settlement Plan was that it provided no means of enforcement.

Yet, according to Baker, the United Nations has under Chapter 7 of its Charter adequate means to enforce the Sahrawis rights – if it is willing to employ them. Chapter 7 of the United Nations Charter concerns actions by the Organization to counter “threats to the peace, breaches of the peace, and acts of aggression.” In accordance with Article 39 of that Chapter, the Security Council “shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.” Article 41 lists the means, short of armed force, that may be employed to give effect to the decisions of the Security Council, and include “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.” If the Security Council considers that the measures provided for in Article 41 are inadequate to accomplish its objectives, under Article 42 it may “take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.

Such action may include demonstrations, blockade and other operations by air, sea, or land forces of Members of the United Nations.” United Nations resolutions passed under Chapter 7 have supported all the measures taken by the international community against Iraq since its invasion of Kuwait in 1990, including the Gulf War, the inspection of Iraq for weapons of mass destruction, the embargo against Iraq and the “oil for food program”, and were subsequently invoked by the United States to support the military measures it took against Iraq in 2003. Security Council Resolution 1373, adopted after the September 11, 2001 attacks against the United States, also came under the rubric of Chapter 7. To date, however, all the Security Council resolutions concerning the Western Sahara issue have been adopted under Chapter 6 – not Chapter 7 -- of the Charter. Chapter 6 has often been described as the “neglected step-brother of Chapter VII.”³⁸ Intended to set forth the modalities for facilitating the peaceful settlement of disputes, Article 34 empowers the Security Council to “investigate” any dispute or situation which might lead to international friction. Article 35 provides that any member state may bring such a dispute to the attention of the Security Council. Once apprised of such a dispute or situation Article 36 empowers the Security Council to “recommend appropriate procedures or methods of adjustment” and Article 38 grants the Security Council similar advisory power at the request of one of the parties. What is absent from mention in Chapter 6 is any discussion of the legal effect of any such “recommendations” or provision for the enforcement of such “recommendations” if they do have the force of law. In an interview with PBS Wideangle on August 19, 2004, following his resignation, Baker cited the failure of the United Nations to bring the

Western Sahara issue under the rubric of Chapter 7 as the major impediment to a resolution of the issue, noting that “The Security Council has never been willing to impose a solution, that is, to move to Chapter 7 of the U.N. Charter from Chapter 6, which requires consensus of both parties.”

As Baker further noted:

“If you’re going to say that you have to resolve the conflict by consensus agreement between the parties then the parties have got to want to resolve it . . . If, on the other hand, you can persuade let’s say, the Security Council as we did in the lead up to the Gulf War to use Chapter 7 powers to impose upon one party or the other or ask one party or the other to do something they would not otherwise voluntarily agree to do, that’s a little different. And it’s easier to resolve a conflict when you have that power and that ability behind you.”

If Baker is right the United Nations has means at its disposal to enforce the Sahrawis’ legal rights, the problem is that it lacks the political will to use them. This lack of will would be understandable, and perhaps laudable, if by invoking Chapter 7 the Security Council would be required to urge its members to provide military aid to enforce its resolutions. However, Article 41 of Chapter 7 gives the Security Council a wide variety of enforcement mechanisms short of military force, and there is no reason to believe that only the threat of military force would persuade Morocco to abide by the norms of international law.

2.3.5 International Presence.

UNHCR - United Nations High Commissioner for Refugees

The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees.

WFP - World Food Programme

WFP is the UN frontline agency in the fight against global hunger. Operations aim to: save lives in refugee crises and other emergencies, improve nutrition and quality of life of world’s most vulnerable people at critical times in their lives, enable development.

WHO - World Health Organization

WHO is the directing and coordinating authority for health within the UN system. It is responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries and monitoring and assessing health trends.

UNICEF - United Nations Children's Fund

UNICEF is the driving force that helps build a world where the rights of every child are realized. It has the global authority to influence decision-makers, and the variety of partners at grassroots level to turn the most innovative ideas into reality.

UNV - United Nations Volunteers

United Nations Volunteers is the UN focal point for promoting and harnessing volunteerism for effective development. UNV is a strategic source of knowledge and advice about the role and contribution of volunteerism and the benefits of civic engagement in development programmes.

UNMAS - United Nations Mines Action Service

UNMAS is a division of the DPKO and the focal point for mine action within the UN system. It is responsible for ensuring an effective, proactive and coordinated UN response to landmines and explosive remnants of war (ERW) through collaboration with 13 other UN departments, agencies, funds and programmes in war-torn countries.

AU - African Union

The Organization of African Unity (OAU), which was the predecessor institution to the current African Union (AU), had, in the late 70's, taken the initiative of finding a peaceful solution to the conflict in Western Sahara. That initiative subsequently led to a joint collaboration with the United Nations and resulted in the formulation of the Settlement Plan, which both Parties – the Kingdom of Morocco and the Frente POLISARIO - accepted. That Plan, called for a cease-fire and a referendum that offered as options integration with Morocco or independence.

IOM - International Organization for Migration

ICRC - International Committee of Red Cross

ECHO - European Communities Humanitarian Office

LMA - Land Mine Action

CORCAS (French: Conseil royal consultatif pour les affaires sahariennes) The Royal Advisory Council for Saharan Affairs

It is an appointed body of advisors to the Moroccan government working in the Southern Provinces, i.e. the Moroccan-controlled part of Western Sahara. It was originally devised by King Hassan II in the 1970s, but allowed to expire, and renewed by his son, Mohammed VI only in early 2006, in an attempt to gain Saharawi support for a Moroccan autonomy plan devised to replace the United Nations' Baker Plan. It is opposed by the Polisario Front, the main Sahrawi independence movement, which

demands that the United Nations resolutions and Moroccan-Polisario agreements calling for a referendum on independence be implemented.

Mission

The CORCAS is intended as a consultative body for proposals related to what Morocco regards as its Southern Provinces, but also to defend the kingdom's "**territorial integrity**" in the media and visavi international actors. Its main political purpose seems to be to provide a formal venue for Sahrawi backers of the Moroccan government's proposal for internal autonomy, excluding any option of independence for the contested territory. The Council has been also tasked to "**facilitate**" dialogue with the Sahrawis in the refugee camps of Tindouf, Algeria, where Polisario is based, but Polisario has refused to hold any dialogue with it.

Composition

The 141 members of CORCAS are Sahrawi and Moroccan political and traditional (tribal) notables (sheikhs), elected representatives for women and youth groups and civic society officials. All of them are appointed by the Moroccan government and all of them are sympathetic to the Moroccan claims on Western Sahara. Of these members 14 (10%) are women. Its chairman, Khelli Henna Ould Rachid, is a former leader of the PUNS, a now-defunct political party operated by the Spanish colonial government to rally support for its rule in then-Spanish Sahara in the 1970s.

CORCAS Set Up Five Commissions, Envisaged By Its Statutes³⁹

- The commission for social affairs, human development and the environment;
- The commission for external affairs and cooperation;
- The commission for the defense of human rights, public freedoms and the populations of the camps;
- The commission for economic affairs, education and training;
- And the commission for the promotion of the Hassanie culture, information and communication.

International Activities

The CORCAS leadership has travelled extensively and is regularly featured in the Moroccan press meeting with visiting delegations from other countries. Its chairman, Khellihenna Ould Errachid, is regularly brought to meetings in foreign forums, such as the UN, where the Sahara question will be discussed, and presented as the authentic voice of Sahrawis, contrary to Polisario claims to be representative of the population. Among others, the CORCAS president has met with the President of the



People's Republic of China president, the former French foreign minister, and various Spanish and international officials.

End Notes:

- ¹ . Prompted in 1878 by Otto von Bismarck to revise the Treaty of San Stefano, the Congress of Berlin proposed and ratified the Treaty of Berlin
- ² . Hodges, p. 201, referring to p. 64 of the mission's report.
- ³ . Hodges, p. 199, referring to p. 62 of the report.
- ⁴ . Hodges, p. 199, referring to p. 67 of the report.
- ⁵ . Hodges, p. 199, referring to p. 59 of the report.
- ⁶ . Hodges, p. 199, referring to p. 67 of the report.
- ⁷ . Hodges, p. 200, referring to p. 104-5 of the report.
- ⁸ . Hodges, p. 200-1, referring to p. 85 of the report.
- ⁹ . Hodges, p. 200, referring to p. 115-118 of the report.
- ¹⁰ . Hodges, p. 200, referring to p. 69 of the report.
- ¹¹ . The mission's final report is archived in the General Assembly Official Records. (United Nations Visiting Mission to Spanish Sahara, 1975, General Assembly, 30th Session, Supplement 23, UN Document A/10023/Rev).
- ¹² . John Damis, Dr. Damis, Associate Director of the Middle East Studies Center and Professor of Political Science and International Studies at Portland State University, is the author of *Conflict in Northwest Africa: The Western Sahara Dispute*. This article is revised, expanded and updated from a statement prepared for testimony before the African Subcommittee of the House Foreign Affairs Committee at a hearing held on February 26, 1992.
- ¹³ . See John Damis, "The OAU and Western Sahara", in Yassin El-Ayouty and I. William Zartman, eds., *The OAU After Twenty Years* (New York: Praeger Publishers, 1984), pp. 175-204
- ¹⁴ . U.N. Security Council Resolution 621 of September 20, 1988, Resolution 658 of June 27, 1990, and Resolution 690 of April 29, 1991.
- ¹⁵ . For accounts of the developments in 1990 and 1991 related to the creation of MINURSO, see Bruce Maddy-Weitzman , "Conflict and Conflict Management in the Western Sahara: Is the Endgame Near?", *Middle East Journal*, Vol. 45, No. 4 (Autumn 1991), pp. 594-607; and Robert J. Bookmiller, "The Western Sahara: Future Prospects", *American-Arab Affairs*, No. 37 (Summer 1991), pp. 64-76.
- ¹⁶ . "The Situation Concerning Western Sahara", U.N. Doc. S/21360.
- ¹⁷ . In August 1991, as both parties positioned themselves on the ground in anticipation of the cease-fire, fighting erupted that shattered a two-year truce.
- ¹⁸ . UN Doc. S/23299.
- ¹⁹ . UN Security Council Resolution 725 of December 31, 1991.
- ²⁰ . UN Doc. S/23299, p. 10.
- ²¹ . "Report of the Secretary-General on the United Nations Mission for the Referendum in Western Sahara", U.N. Doc. S/23662.
- ²² . The Baker Plan (formally, Peace Plan for Self-Determination of the People of Western Sahara) is a United Nations initiative to grant self-determination to Western Sahara. It was intended to replace the Settlement Plan of 1991, which was further detailed in the Houston Agreement of 1997.
- ²³ . Toby Shelley, (Toby Shelley is writing a book on the Western Sahara for Zed Books in London. He works for the Financial Times.) August 1, 2003
- ²⁴ . Manhasset is a hamlet (and census-designated place) in Nassau County, New York on the North Shore of Long Island
- ²⁵ . Morocco and Polisario Front to hold second meeting to resolve 32-year dispute (pdf). International Herald Tribune. Retrieved on 2007-08-13.
- ²⁶ . Resolution 1754 (2007). United Nations Security Council. Retrieved on 2007-08-13.
- ²⁷ . Security Council Resolution S-RES-1495(2003) in 2003 (retrieved 2007-09-06)

²⁸ . James Addison Baker III (born April 28, 1930), American politician and diplomat, was Chief of Staff in the President Ronald Reagans first administration, and Secretary of State in the administration of President George H. W. Bush and as United States Secretary of the Treasury from 1985 to 1988

²⁹ . Kofi Atta Annan (born April 8, 1938) is a Ghanaian diplomat who served as the seventh Secretary-General of the United Nations from January 1, 1997 to January 1, 2007, serving two five-year terms

³⁰ . The Settlement Plan was an agreement between the Polisario Front and Morocco on the organization of a referendum, which would constitute an expression of self-determination for the Sahrawi people of the non-decolonized territory of Western Sahara, possibly leading to full independence

³¹ . Kurt Mosgaard, The danish Major-General was Force Commander of MINURSO from 2005-2007.

³² . Interview with the FORCE COMMANDER.

³³ . WESTERN SAHARA: AFRICA'S LAST COLONY, Frank Ruddy, U.S. Ambassador (ret.), Former Deputy Chairman, U.N. Peacekeeping Mission (MINURSO), for Western Sahara, World Affairs Council, Alaska, Juneau October 31, 2007, Anchorage November 2, 2007,

³⁴ . Legal Consequences for States of the continued Presence of South Africa in Namibia (South-WestAfrica) Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, paras. 87-116.

³⁵ . S. Ratner, *Image and Reality in the UN's Peaceful Settlement of Disputes*, 6 Eur. J. Int'l L. 426 at 428, 441.

³⁶ . S. Ratner, *Image and Reality in the UN's Peaceful Settlement of Disputes*, *supra*, at 444.

³⁷ . Many of the commentators who have discussed the powers of the United Nations under Chapter 6 have presupposed the situation in which the United Nations wished to send peacekeepers to a member State, not a non-self governing territory. In such a situation a problem is posed by Article 2(7) of the UN Charter, which prohibits the United States from interfering in the "domestic jurisdiction of States." This problem, however, does not exist with respect to deploying peacekeepers or otherwise conducting UN operations in Western Sahara.

³⁸ . S. Ratner, *Image and Reality in the UN's Peaceful Settlement of Disputes*, 6 Eur.J.Int'l L. 426, at 429. He suggested, however, that the Security Council's powers could be anything "short of the enforcement processes of Chapter VII," *supra*, at 434.

³⁹ . Morocco Times: CORCAS Autonomy project, 'courageous royal initiative'

2.4 Role, Functions of Sahrawi Arab Democratic Republic (SADR) and Other Parties in Conflict

2.4.1 Positions of the Parties. The position of the various parties involved in conflict is described subsequently.

2.4.1.1 Morocco, Algeria and Mauritania.

Kingdom of Morocco.

The position of the Kingdom of Morocco is that all of Western Sahara is an integral part of the Kingdom. The Moroccan government refers to Western Sahara only as the "Sahara," "Moroccan Sahara," "Saharan provinces," or the "Southern Provinces". Western Sahara is the historical birthplace of one of the most successful Moroccan ruling dynasties, the Almoravids. In 1958, the Moroccan Liberation Army of the South fought Spanish colonizers and almost liberated what was then Spanish Sahara. Among the veterans of the Moroccan Southern Army are fathers of many of the Polisario leaders, like the father of Mohammed Abdelaziz, the Polisario leader. Morocco is supported in this view by a number of former Polisario founders and leaders. The Polisario Front is considered by Morocco to be a Moroccan separatist movement, referring to the Moroccan origins of most of its founding members, and its self-proclaimed SADR to be a puppet state used by Algeria to fight a proxy war against Morocco. Politics of Morocco take place in a framework of a parliamentary constitutional monarchy, whereby the Prime Minister of Morocco is the head of government, and of a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and the two chambers of parliament, the Assembly of Representatives of Morocco and the Assembly of Councilors. The Moroccan Constitution provides for a monarchy with a Parliament and an independent judiciary. The constitution grants the king extensive powers; he is both the political leader and the "Defender of the Faith".

He presides over the Council of Ministers; appoints the Prime Minister following legislative elections, and on recommendations from the latter, appoints the members of the government. While the constitution theoretically allows the king to terminate the tenure of any minister, and after consultation with the heads of the higher and lower Assemblies, to dissolve the Parliament, suspend the constitution, call for new elections, or rule by decree, the only time this happened was in 1965. The King is formally the



chief of the military. Upon the death of his father Mohammed V, King Hassan II succeeded to the throne in 1961. He ruled Morocco for the next 38 years, until he died in 1999. His son, King Mohammed VI, assumed the throne in July 1999. Following the March 1998 elections, a coalition government headed by opposition socialist leader Abderrahmane Youssoufi and composed largely of ministers drawn from opposition parties, was formed. Prime Minister Youssoufi's government is the first government drawn primarily from opposition parties in decades, and also represents the first opportunity for a coalition of socialist, left-of-center, and nationalist parties to be included in the government until October 2002. It was also the first time in the modern political history of the Arab world that the opposition assumed power following an election. The current government is headed by Abbas El Fassi.

Algeria.

Politics of Algeria takes place in a framework of a presidential republic, whereby the President of Algeria is both head of state and head of government, and of a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and the two chambers of parliament, the People's National Assembly and the Council of



the Nation. Algeria has a long history of revolution and regime change, making the political climate dynamic and often in a state of change. The country is currently a constitutional republic with a democratically elected government, though the military, in practice, remain major powerbrokers. Since the early 1990s, a shift from socialism to a free market economy has been ongoing with official support. Algeria has been supporting the independence of Western Sahara diplomatically since 1975. In 1976, Algeria got involved directly in the conflict, but after a military confrontation at Amgala against the Moroccan Army, the Algerian role became that of an indirectly involved party through political and military support to the Polisario front. Morocco argues that the Algerian position is due to the Sand War of 1963.

Mauritania.

It is a Republic which earned its independence on November 28, 1960. The constitution was approved in 1991 but original constitution promulgated in 1961. The government rules through the branches of executive where - president is the head of state. Legislative branch is a bicameral national assembly, which directly elects lower house (81 members), and upper



house (56 members). They are
The ex President Sidi Mohamed
Ould Cheikh Abdallahi

chosen indirectly by municipal councilors. Judicial branch is a supreme court and lower courts are nominally independent but subject to control of executive branch; judicial decisions are rendered mainly on the basis of Shari'a (Islamic law) for social/family matters and a western style legal code, applied in commercial and some criminal cases. There are 21 Political parties. Mauritania held a series of elections that began in November 2006 with a parliamentary vote and culminated March 25, 2007 with the second round of the presidential election. Sidi Ould Cheikh Abdellahi was elected President and took office on April 19, 2007. After almost 16 months of civilian rule, President Abdallahi was deposed on August 6, 2008 by a



military-led coup, throwing the future of Mauritania's new-found democracy into doubt. Politics in Mauritania have always been heavily influenced by personalities, with any leader's ability to exercise political power dependent upon control over resources; perceived ability or integrity; and tribal, ethnic, family, and personal considerations. Conflict among White Moor, Black Moor, and Black African Mauritanian groups, centering on language, land tenure, and other issues, continues to be a major challenge to national unity. Political parties, illegal during the military period, were legalized again in 1991.

2.4.1.2 The Polisario Front – An Analysis.

The Polisario, Polisario Front, or Frente Polisario, from the Spanish abbreviation of Frente Popular de Liberación de Saguía el Hamra y Río de Oro ("Popular Front for the Liberation of Saguia el-Hamra and Río de Oro") is a Sahrawi rebel movement working for the independence of Western Sahara from Morocco. Polisario are an observer member of Socialist International. Polisario are a successor of one of the 1950s and 1960s organization Movimiento para la Liberación del Sahara, of the city of Villa Cisneros. The position of the Polisario Front is that Western Sahara is an occupied territory, the rightful government of which is the exiled Sahrawi Arab Democratic Republic (SADR). The Polisario Front calls for the right of self-determination of the people of Western Sahara to be decided through a referendum. Although the SADR is not recognised as a state by the UN, Polisario is considered as a

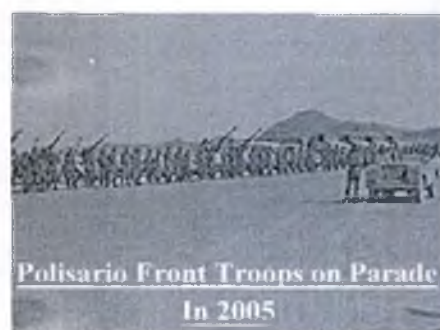
direct party in the conflict. The SADR is a member of the African Union.

The Beginnings of the Frente Polisario.

In 1971 a group of young Sahrawi students in the universities of Morocco began organizing what came to be known as The Embryonic Movement for the Liberation of Saguia el-Hamra and Rio de Oro. After attempting in vain to gain backing from several Arab governments, including both Algeria and Morocco, but only drawing faint notices of support from



Libya and Mauritania, the movement eventually relocated to Spanish-controlled Western Sahara to start an armed rebellion. The Polisario Front was formally constituted on May 10, 1973 with the express intention of militarily forcing an end to Spanish colonization. Its first Secretary General was El-Ouali Mustapha Sayed. On May 20 he led the Khanga raid, Polisario's first armed action, in which a Spanish post manned by a team of Tropas Nomadas (Sahrawi-staffed auxiliary forces) was overrun and rifles seized. Polisario then gradually gained control over large swaths of desert countryside, and its power grew from early 1975 when the Tropas Nomadas began deserting to the Polisario, bringing weapons and training with them. At this point, Polisario's manpower included perhaps 800 men and women, but they were backed by a vastly larger network of supporters. A UN visiting mission headed by Simeon Aké that was conducted in June 1975 concluded that Sahrawi support for independence (as opposed to Spanish rule or integration with a neighbouring country) amounted to an "overwhelming consensus" and that the Polisario Front was by far the most powerful political force in the country.



El-Ouali Mustapha Sayed and Polisario Front.

El-Ouali (also El Uali) was born circa 1948 in a Sahrawi nomad encampment somewhere on the hammada desert plains in eastern Western Sahara or Algeria; some sources give his place of birth as Bir Lehlou, a location that is symbolic for Polisario. His parents were poor and his father handicapped, so the family had to abandon the traditional bedouin lifestyle of the Sahrawis, settling near Tan-Tan in southern Morocco. He went to school in Morocco, with impressive results, and was awarded scholarships to attend university in Rabat. There he studied law, and met other young members of the Sahrawi diaspora, who like him were affected by the radicalism



sweeping Moroccan universities in the early 1970s. El-Ouali grew increasingly disturbed by the oppressive Spanish colonial rule over what was then known as Spanish Sahara, and although never involved with the Harakat Tahrir, news of the Zemla Intifada made a deep impression on him. In 1971, he began organizing a group called the "Embryonic Movement for the Liberation of Saguia el-Hamra and Río de Oro" which in 1973 reconstituted itself as the Polisario Front. After being elected the movement's first Secretary-General on May 10, 1973, El-Ouali led a group of six poorly armed guerrillas in the May 20 El-Khanga raid. El-Ouali and one of his fighters were briefly captured, but they managed to escape prison as the remaining patrol overran the ill-prepared Spanish troops. The Khanga strike was to be followed by similar attacks on isolated targets, in which the Polisario gathered weapons and equipment, until they were finally able to enter into full-scale guerrilla warfare. In 1974-75 the Polisario Front slowly seized control over the desert countryside, and quickly became the most important nationalist organization in the country.

Exile, Presidency and Death in Combat.

After the joint Moroccan-Mauritanian invasion of Western Sahara in late 1975, El-Ouali followed refugee Sahrawis into exile in the refugee camps of Tindouf, Algeria. From there, he presided over the establishing of the Sahrawi Arab Democratic Republic, becoming its first president. The Sahrawi republic effectively became the government of some 50,000 people, housed in the Tindouf refugee camps, and Polisario, backed by Algeria and Libya, engaged Morocco and Mauritania with substantially larger forces from this point on. On June 9, 1976, at the age of 28, El-Ouali was killed by a gunshot through the head during a major Polisario raid on the Mauritanian capital of Nouakchott in 1976. His position as Secretary-General was briefly assumed in an interim capacity by Mahfoud Ali Beiba, who was then replaced by Mohammed Abdelaziz at the Polisario's III General Popular Congress in August 1976. El-Ouali is revered as a Father of the Nation by the Sahrawi refugee population, and there is a simple stone monument built to his honour in the desert. The day of his death, June 9, has been declared The Day of the Martyrs, a holiday of the republic that honors all Sahrawi victims in the war for independence.

Political Ideology of Polisario.

The Polisario is first and foremost a nationalist organization, with the independence of Western Sahara as its main goal, and it has stated that ideological disputes should be left for a future democratic Western Sahara to deal with. It views itself as a "front" encompassing all political trends in Sahrawi society, and not as a party. As a consequence, there is no party programme. The Sahrawi republic's constitution however gives a



hint of the movement's ideological context: in the early 1970s Polisario adopted a vaguely socialist rhetoric, in line with most national liberation movements of the time, but this was eventually abandoned in favour of a non-politicized Sahrawi nationalism. By the late 1970s, references to socialism in the republic's constitution were removed, and by 1991, the Polisario was explicitly pro-free-market. The Polisario has stated that it will, when Sahrawi self-determination has been achieved, either function as a party within the context of a multi-party system, or be completely disbanded. This is to be decided by a Polisario congress upon the achievement of Western Sahara's independence.

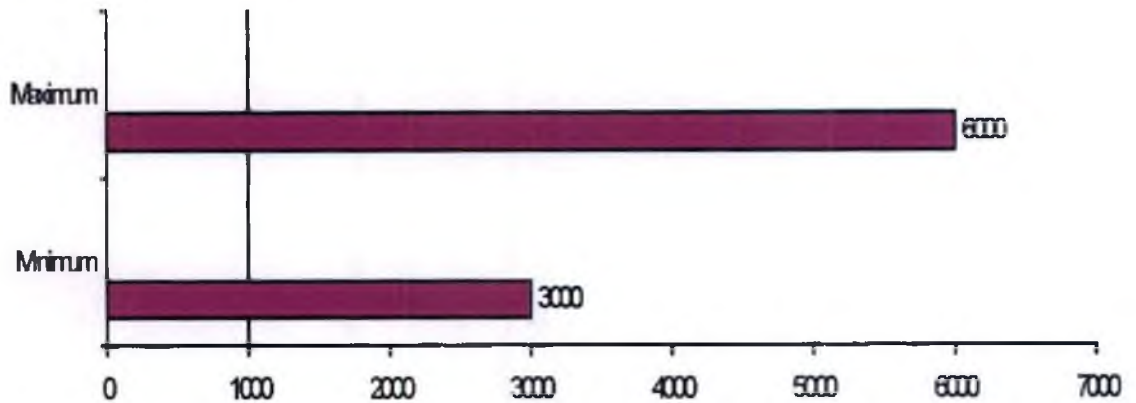
Attitudes to Armed Struggle.

Polisario has denounced terrorism and attacks against civilians, and sent condolences to Morocco after the Casablanca terror bombings of 2003. It describes its struggle as a "clean war of national liberation". Since 1989, when the cease-fire was first concluded, the movement has stated it will pursue its goal of Western Sahara's independence by peaceful means as long as Morocco complies with the cease-fire conditions, which include arranging a referendum on independence, while reserving the right to resume armed struggle if terms are breached in its view. Polisario's Abdelaziz has repeatedly stated that the Moroccan withdrawal from the 1991 Settlement Plan and refusal to sign the 2003 Baker Plan would logically lead to war from its perspective if the international community does not step in. In contrast, Polisario-Mauritanian relations following a peace treaty in 1979, with the latter's retreat from Western Sahara, have been quiet and generally neutral without reports of armed clashes from either side. What Polisario and independence-minded sources refer to as Independence Intifada, a series of protests and riots by Sahrawis in the occupied territories, breaking out in 2005, received strong support from Polisario as a new pressure point on Morocco. Polisario's Abdelaziz characterised the protests and riots as a substitute path for the armed struggle, and indicated that if peaceful protest was squashed, in its view, without a referendum forthcoming, its armed forces would intervene.

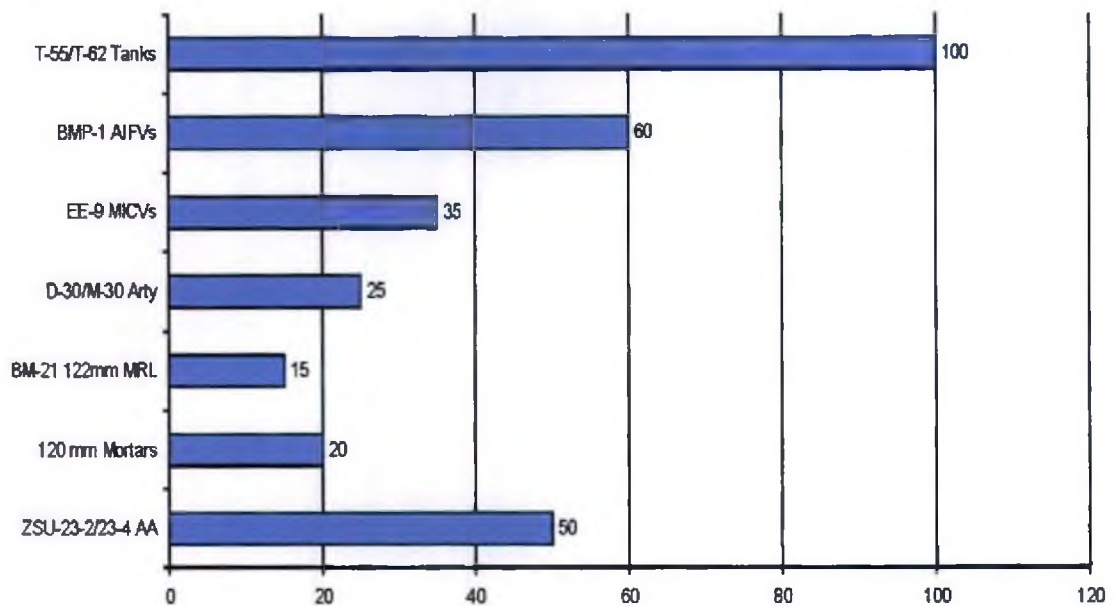


Polisario Forces in 2005
(Sahrawi People's Liberation Army)

Manpower



Weapons



Other Equipment: Numbers Unknown

- Steyr SK-105 Light. Tanks
- Panhard APCs
- Ratel 20 AFVs
- Eland armored reconnaissance vehicles
- AML-90
- AT-3 Sagger anti-tank guided missiles
- SA-6, SA-7, SA-8, SA-9 surface-to-air missiles

Source: Adapted by Anthony H. Cordesman from data provided by US experts, the IISS, Military Balance, and Jane's Sentinel.

Algeria and the Polisario.

Algeria has demonstrated an unconditional support for the Polisario since 1975, delivering arms, training, financial aid, and food, without interruption for more than thirty years. At the level of international relations, Algeria appears as a main actor and negotiator in opposition to Morocco since the beginning of the Western Sahara conflict. In an interview with The European Strategic Intelligence and Security Center (ESISC), commander Lahbib Ayoub, a founding member of Polisario who returned to Morocco, explained that Algeria "had chosen" Mohammed Abdelaziz at the top of the Polisario organisation although he did not belong to the very closed circle of the organization's founders and "we could refuse them (the Algerians) nothing: they were giving us everything, or almost everything. He always considered himself to be their man".

**Structure and Organizational Background.**

The pre-1991 Polisario structure was much different from the present institutional system. It was, despite a few changes, inherited from the pre-1975 period, when Polisario had functioned as a small, tightly-knit guerrilla movement, with a few hundred members. Consequently, it made few attempts at a division of powers, instead concentrating most of the decision-making power in the top echelons of Polisario for maximum battlefield efficiency. This meant most power rested in the hands of the Secretary General and a nine-man executive committee, elected at congresses and with different military and political responsibilities. A 21-man Politburo would further check decisions and connect the movement with its affiliated "mass organizations", UGTSARIO¹, UJSARIO² and UNMS³. However, after the movement took on the role as a state-in-waiting after basing itself in the refugee camps of Tindouf Province, Algeria, in 1975, this structure proved incapable of dealing with its vastly expanded responsibilities. As a consequence, the old military structure was wedded to the new grass-roots refugee camp administration which had asserted itself in Tindouf, with its system of committees and elected camp assemblies. In 1976, the situation was further complicated by the Sahrawi republic assuming functions of government in the camps and Polisario-held territories of Western Sahara. The SADR and Polisario institutions would frequently overlap, and their division of labor was often hard to ascertain. A more comprehensive merger of these different organizational patterns (military organization/refugee camps/SADR) was not achieved until the 1991 congress, when both the Polisario and SADR organizations were overhauled, integrated into the camp structure and further separated from each other. This followed protests calling for expanding the internal democracy of the movement, and also led to important shifts of personnel in the top tiers of both Polisario and SADR institutions.



Present Structure.

The organizational order described below applies today, and was roughly finalized in the 1991 internal reforms of the movement, although minor changes has since been effected. The Polisario is led by a Secretary General. The first Secretary General was El-Ouali, followed by Mahfoud Ali Beiba as Interim Secretary General upon his death. In 1976, Mohamed Abdelaziz was elected and has held the post ever since. The Secretary General is elected by the General Popular Congress (GPC), regularly convened every four years. The GPC is in turn composed of delegates from the Popular Congresses of the refugee camps in Tindouf, which are held biannually in each camp, and of delegates from the women's' organization (UNMS), youth organization (UJSARIO), workers' organization (UGTSARIO) and military delegates from the SPLA (see below). All residents of the camps have a vote in the Popular Congresses, and participate in the administrative work in the camp through base-level 11-person cells, which form the smallest unit of the refugee camp political structure. These will typically care for distribution of food, water and schooling in their area, joining in higher-level organs (encompassing several camp quarters) to cooperate and establish distribution chains. There is no formal membership of Polisario; instead, anyone who participates in its work or lives in the refugee camps is considered a member. Between congresses, the supreme decision-making body is the National Secretariat, headed by the Secretary General. The NS is elected by the GPC. It is subdivided into committees handling defense, diplomatic affairs, etc. The 2003 NS, elected at the 11th GPC in Tifariti, Western Sahara, has 41 members. Twelve of these are secret delegates from the Moroccan-controlled areas of Western Sahara. This is shift in policy, as the Polisario traditionally confined political appointments to diaspora Sahrawis, for fear of infiltration and difficulties in communicating with Sahrawis in the Moroccan-controlled territories. It is probably intended to strengthen the movement's underground network in Moroccan-controlled Western Sahara, and link up with the rapidly growing Sahrawi civil rights activism. Pierre Olivier Louveaux, who went to the Tindouf camps along with a CARITAS humanitarian mission, has charged that the Polisario is controlled by a few people who put their personal interests first in the conclusion of the conflict:

"The Polisario leaders periodically exchange the various positions of responsibility between themselves. It is difficult to know whether there exist, within the leadership, different political tendencies or conflicting interests. It seems that the leaders, in total or only in part, are hugely benefiting from the current situation to consolidate their political, social and economic power. The fact that they consider themselves as leaders of a State with territory and population, and at the same time as refugees needing humanitarian aid to survive reveals a duality that they skillfully exploit."

In 2004, an anti-ceasefire and anti-Abdelaziz opposition fraction, the Front Polisario Khat al-Shahid announced its existence, in the first break with the principle of "national unity" (i.e. working in one single organization to prevent internal conflict). It calls for reforms in the movement, as well as resumption of hostilities with Morocco. It remains

of little importance to the conflict, however, and Polisario has refused dialogue with it, stating that political decisions must be taken within the established political system.

Armed Forces (SPLA).

The Polisario has no navy or air force. The Sahrawi Popular Army of Liberation, (SPLA, often abbreviated in French, as ALPS), is the Polisario's army⁴. Its commander-in-chief is the Secretary General, but it is also integrated into the SADR system through the institution of a SADR Minister of Defence. The SPLA's armed units⁵ are considered to have a manpower of possibly 6-7,000 active soldiers today, but during the war years its strength appears to have been significantly higher: up to 20,000 men. It has a potential manpower of many times that number, however, since both male and female refugees in the Tindouf camps undergo military training at the age of 18. Women formed auxiliary units protecting the camps during war years.

Equipment and Tactics.

Originally forced to capture its own weapons gun-by-gun as it began the anti-Spanish rebellion, and moving only on foot or camel-back, the Polisario multiplied its arsenals and military sophistication after striking an alliance with the anti-Moroccan Algerian government in 1975. The modern SPLA is equipped mainly with outdated Soviet-manufactured weaponry, donated by Algeria, but its arsenals display a bewildering variety of material, much of it captured from Spanish, Mauritanian or Moroccan forces and made in France, the United States, South Africa or Britain. The SPLA has several armored units, composed of old tanks and somewhat more modern armored cars and halftracks. SAM anti-aircraft missiles have felled several Moroccan fighter jets, and helped compensate for the complete Moroccan control of the skies⁶. One of the most innovative tactics of the SPLA was its early and extensive use of Land Rovers and other re-modeled civilian vehicles, mounting machine guns and employing them in great numbers, to overwhelm unprepared garrisoned outposts in rapid surprise strikes. This, of course, may also reflect the movement's difficulties in obtaining original military equipment, but nonetheless proved a powerful tactic. On November 3, 2005, Polisario signed the Geneva Call, committing itself to a total ban on landmines, and later began to destroy its landmine stockpiles under international supervision. Morocco is one of 40 governments that have not signed the 1997 mine ban treaty. Both parties have used mines extensively in the conflict, but some mine-clearing operations have been carried out under MINURSO supervision since the cease fire agreement. The Polisario traditionally employed ghazzi tactics, i.e., motorized surprise raids over great distances, which were inspired by the traditional camel-back war parties of the Sahrawi tribes. However, after the construction of the Moroccan Wall this changed into tactics more resembling conventional warfare, with a focus on artillery, snipers and other long-range attacks. In both phases of the war, SPLA units relied on superior knowledge of the terrain, speed and surprise, and on the ability to retain experienced fighters. The SPLA is considered well organized, and its desert warfare tactics were groundbreaking.

Foreign Relations of Polisario.

Support for the Polisario came mostly from African countries (especially "progressive" countries espousing strong anticolonial views, and those liberation movements who had only recently or not yet gained independence, such as African National Congress, SWAPO or MPLA). The Arab world has by and large supported Morocco; only Algeria and Libya have however, at different times, given any significant support to Polisario. Mauritania had recognized the Polisario's self-proclaimed republic in 1984, and Syria and South Yemen are alleged to have supported the Algerian position on the conflict when they were all members of the Front of Refusal. Additionally, many third world non-aligned countries have supported the Polisario, and later many reviewed their attitude and withdrew their recognitions of the Polisario's SADR. Ties with the Fretilin⁷ of East Timor (occupied by Indonesia in 1975) were exceptionally strong and remain so after that country's independence; both Polisario and Fretilin have argued that there are numerous historical parallels between the two conflicts. A detail information is posted in Defense Forum Foundation, Congressional Defense and Foreign Policy Forum, held on Capitol Hill, Washington, D.C. Friday, March 26, 2004⁸. The movement's main political and military backers were originally Algeria and Libya, with Cuba coming a very distant third. In the mid-80s, Libya detached itself from the conflict, as it joined Morocco in a short-lived union. Mauritania also attempts to avoid involvement and balance between Morocco and Polisario's backers in Algeria, despite formally recognizing the SADR as Western Sahara's government since 1984 and having a substantial Sahrawi refugee population on its territory. Support from Algeria remains strong however, despite the country's preoccupation with its own civil war. The Polisario is practically dependent on its bases and refugee camps, located on Algerian soil. While Algeria recognizes the Sahrawis' right to wage an armed struggle against Morocco, and has helped equip the SPLA army, the government also seems to have barred Polisario from returning to armed struggle post-1991, attempting to curry favor from the US and France and to avoid inflaming its already poor relations with Morocco⁹. Apart from Algerian military, material and humanitarian aid, food and emergency resources are provided by international organizations such as the WHO and UNHCR. Valuable contributions also come from the strong Spanish solidarity organizations.

2.4.1.3 Moroccan Army of Liberation.

The Army of Liberation (French, *Armée de Libération*, Arabic, *jayshu-t-tahrīr*, Spanish *Ejercito de Liberacion*) was a force fighting for the independence of Morocco. In 1956, units of the Army began infiltrating Ifni and other enclaves of Spanish Morocco, as well as Spanish Sahara (today Western Sahara), to claim them as part of Morocco. Initially, they received important backing from the Moroccan government. In the Spanish Sahara, the Army rallied Sahrawi tribes along the way, and triggered a large-scale rebellion. In early 1958, the Moroccan king reorganized the Army of Liberation units fighting in the Spanish Sahara as the "Saharan Liberation Army". The revolt in the Spanish Sahara was put down in 1958 by a joint French and Spanish offensive. The King of Morocco then

signed an agreement with the Spanish, where Spain returned the province of Tarfaya to Morocco. Part of the Army of Liberation was absorbed into the Moroccan armed forces. Morocco sees the Army of Liberation battles in Western Sahara, and the fighting under Moroccan flag of Sahrawis as a proof of Western Sahara's loyalty to the Moroccan crown, whereas sympathizers to the Polisario Front view it only as an anti-colonial war directed against Spanish. Sahrawi veterans of the Army of Liberation today exist on both sides of the Western Sahara conflict, and both the Kingdom of Morocco and the Sahrawi Arab Democratic Republic celebrate it as part of their political history. Some parents of founder members of Polisario were members of the Army of Liberation[citation needed], most notably the father of Mohammed Abdelaziz the president of Polisario and the Sahrawi Arab Democratic Republic, who is living in Morocco and is a member of CORCAS.

2.4.1.4 History, Functions and Future of Sahrawi Arab Democratic Republic (SADR).

The Foundation of SADR (Al-Jumhūrīyya al-'Arabīyya aḥ-ḥarāwīyya ad-Dīmuqrāṭīyya). When the former Spanish Sahara was evacuated by Spain, both Morocco and Mauritania moved in to annex it; neither gained international recognition and war with the independence-seeking Polisario Front, representing the Sahrawi indigenous people, ensued. The creation of the SADR was announced in Bir Lehlou in Western Sahara on February 27, 1976, as the Polisario declared the need for a new entity to fill what they considered a political void left by the departing Spanish colonizers. Bir Lehlou remained in Polisario-held territory under the 1991 cease-fire (see Settlement Plan) and has remained the government in exile's symbolic capital of the exiled republic, while Polisario continues to claim the Moroccan held city of El Aaiún, as the capital of a would-be independent Western Sahara. Day-to-day business is, however, conducted in the Tindouf refugee camps in Algeria, which house most of the Sahrawi exile community. SADR was proclaimed by the Polisario Front on February 27, 1976. The SADR government currently controls about 20% of the territory it claims. It calls the territories under its control the "Liberated Territories" or "Free Zone". Morocco controls and administers the rest of the disputed territory and calls these lands its Southern Provinces. The SADR government considers the Moroccan held territory "Occupied Territory" while Morocco considers the much smaller SADR held territory to be a "Buffer Zone".

Government Structure.

The highest office of the republic is the President of Western Sahara, now Mohammed Abdelaziz, who appoints the Prime Minister of Western Sahara, now Abdelkader Taleb Oumar¹⁰. The SADR's government structure consists of a Council of Ministers (a cabinet led by the Prime Minister), a judicial branch (with judges appointed by the President) and the parliamentary Sahrawi National Council (SNC, present speaker is Mahfoud Ali Beiba). Since its inception in 1976, the various constitutional revisions have transformed

the republic from an *ad hoc* managerial structure, into something approaching an actual governing apparatus. From the late 1980s the parliament began to take steps to institute a division of powers and disentangle the republic's structures from those of the Polisario party, although without clear effect to date. Its various ministries are responsible for a variety of services and functions. The judiciary, complete with trial courts, appeals courts and a supreme court, operates in the same areas. As a government-in-exile, many branches of government do not fully function, and has affected the constitutional roles of the institutions. Institutions parallel to government structures also have arisen within the Polisario Front, which is fused with the SADR's governing apparatus, and with operational competences overlapping between these party and governmental institutions and offices. The SNC is presently weak in its legislative role, having been instituted as a mainly consultative and consensus-building institution, but it has strengthened its theoretical legislative and controlling powers during later constitutional revisions. Among other things, it has added a ban on the death penalty to the constitution¹¹, and brought down the government in 1999 through a vote of no-confidence. Its various ministries are responsible for a variety of services and functions. The SADR's status as a government-in-exile prevents normal function of many branches of government, and has affected the constitutional roles of the institutions. It has also led to the creation of parallel institutions to structures within the Polisario Front, which is fused with the SADR's governing apparatus, and government competences in some areas seem to overlap between these institutions and offices. The Sahrawi National Council or simply National Council (SNC) is the parliament in exile of the Sahrawi Arab Democratic Republic. The SNC is presently weak in its legislative role, having been instituted as a mainly consultative and consensus-building institution, but it has strengthened its legislative and controlling powers during later constitutional revisions. Among other things, it has managed to add a ban on the death penalty to the constitution, and bring down the government in 1999 through a vote of no-confidence.

Area of Authority.

The SADR exercises state power in the Sahrawi refugee camps located in the Tindouf Province of western Algeria, and in what it terms the liberated areas (the Polisario-held, more or less unpopulated parts of Western Sahara east of the Moroccan Wall). It is headquartered in Camp Rabouni, south of Tindouf, although official events often for symbolic purposes take place on Western Saharan territory, in the provisional capital of Bir Lehlou or Tifariti. The Algerian authorities stay outside the Sahrawi refugee camps and respect the autonomy of the republic. Several foreign aid agencies, including the UNHCR, are continually active in the camps.

Constitution and Characteristics.

The 1999 Constitution of the Sahrawi Arab Democratic Republic is basically a parliamentary constitution similar to those of many European states, but with some paragraphs suspended until the achievement of "full independence". For example, the head of state is constitutionally the general secretary of the Polisario during the pre-

independence phase. But the constitution also states that this must change when an independent Western Sahara is a reality, at which time the Polisario will be dismantled or separated completely from the government structure. Provisions are detailed for the transitory phase beginning with independence, in which the present SADR is supposed to act as Western Sahara's government, ending with pre-scheduled constitutional reform and the setting up of a normal state along the lines specified in the constitution. A constitution of the SADR was first promulgated in 1976, but it has been revised several times since then. Further, the constitution lays down broad guidelines for the character of the future Western Saharan state: it is to be founded as a multi-party democracy with a market economy. The constitution also defines Sahrawis as a Muslim, African and Arab people, and the Arabic language as the official language of the SADR; declares the commitment of the republic to the principles of human rights, and to the concept of a Greater Maghreb, as a regional variant of Pan-Arabism. It has been suggested that Free market be merged into this article or section.

International Recognition and Membership.

The SADR is currently recognized as a sovereign representative of Western Sahara by forty-three states, mostly African and other third world governments. This figure does not include twenty-two states that have withdrawn their former recognition, or the twelve that have "frozen" their diplomatic relations with the republic pending the outcome of the UN referendum. Sahrawi embassies exist in thirteen states. On the other hand, Moroccan territorial integrity, possibly including Western Sahara, is explicitly recognized by the Arab League and by twenty-five states. The office of President of Western Sahara is a head of state position over the parliamentary government of the Sahrawi Arab Democratic Republic. Morocco is a moderate Arab state which maintains close relations with Europe and the United States. Although it has no representation at the United Nations, the republic has been a full member of the African Union (AU, formerly the Organization of African Unity, OAU) since 1984. As a consequence, Morocco left the OAU and remains the only African nation not to join the AU since South Africa's admittance in 1994. The SADR is also a member of the Asian-African Strategic Partnership formed at the 2005 Asian-African Conference. Morocco has objected to the SADR's participation, but was rebuffed. In 2006, the SADR participated in a conference of the Permanent Conference of Political Parties of the Latin American and the Caribbean (COPPAL). The SADR is not a member of the Arab League, nor of the Arab Maghreb Union, both of which include Morocco as a full member. A number of commentators have suggested that a means whereby the rights of the Sahrawis may be supported is by the recognition of the SADR as a sovereign state. Indeed, more than 50 nations acknowledge SADR as the territory's legitimate government. In granting diplomatic recognition to the SADR in 2004, President of South Africa Thabo M'Beki noted that "[t]he avoidable cul-de-sac



caused by the positions advanced by the Government of Morocco has created the situation that any further delay on our part to recognize SADR will inevitably translate into an abandonment of our support of the right of the people of Western Sahara to self-determination.” He continued: “For us not to recognize SADR in this situation is to become an accessory to the denial of the people of Western Sahara of their right to self-determination. This would constitute a grave and unacceptable betrayal of our own struggle, of the solidarity Morocco extended to us, and our commitment to respect the Charter of the United Nations and the constitutive act of the African Union.” Just as the General Assembly and Security Council did with respect to Namibia, they could terminate the de jure mandate of Spain to administer Western Sahara and declare the continued presence of Morocco in Namibia illegal. Just as the General Assembly and Security Council did with respect to Kosovo, they could simply extend formal recognition and membership in the United Nations to the SADR, on the theory that Morocco’s refusal to permit a referendum should be construed as evidence that the eligible voters in such a referendum would choose independence. It would not be the first time that the United Nations has recognized a government in exile as the “legitimate” government of a territory: for over 20 years the government of Taiwan was officially recognized as the government of China. Moreover, the United Nations has the means of deciding the fate of Western Sahara without the cooperation of Morocco. Spain still enjoys the de jure status of “administering power” over Western Sahara. Should Spain relinquish this role, the United Nations, not Morocco, would have the right to administer the territory and carry out the mandate of self-determination for its people. This, of course, is less than an optimum solution. However, it may be the only solution short of military action or an embargo that the rights of the Sahrawis, and the role of the United Nations in the settlement of such disputes, can be supported in the face of continued intransigence on the part of Morocco.



Sustenance Strategy of SADR by Rallying Western Support and Europe’s Stance ¹²

The exiled government of Moroccan-occupied Western Sahara for the first time eyes hope of recognition by European states as several political parties are taking this into their programmes. The exiled government of the SADR noted its greatest diplomatic achievement in many years when South Africa's President Thabo Mbeki announced his government's full diplomatic recognition of SADR in September 2004. Some 80 states, mostly African and Latin American, have recognised SADR although this means tense relations with the occupying power, Morocco. So far, however, no Western country has opted to recognise the Sahrawi republic, neither in Europe nor in North America. Although all these countries treat the SADR government as the legal representative of the Sahrawi people and do not recognise Morocco's claim to Western Sahara, they have

shied away from the economic and diplomatic consequences a SADR recognition would imply. Lately, however, two forceful initiatives have indicated that this may soon change. All over the European Union (EU), liberal youth parties have agreed to pressure their (often ruling) mother parties to go for recognition. Additionally, in Scandinavia, socialist parties are moving in the same direction. At its annual congress, held in late April in Berlin, the European Liberal Youth (LYMEC¹³) agreed on a forceful resolution headed "Recognise Western Sahara". Mentioning UN efforts since 1960 to achieve self-determination for the people of the Western Sahara territory, the liberal youth parties noted that Morocco had seen to it that all efforts in this direction had failed. Meanwhile, LYMEC emphasised, Morocco was responsible for "grave and systematic violations of human rights in the occupied territories." The European liberal youth parties therefore concluded on the need to "*formally recognise the Sahrawi Arab Democratic Republic as an independent state.*" This demand now is to be propagated among Europe's liberal parties. "*Now, we have united liberals from all corners of the continent that will take the demand of recognition to their respective capitals and contribute to put the issue on the agenda,*" said Boye Bjerkholt of Young Liberals of Norway, which had tabled the draft. Their mother party, the Norwegian Liberal Party adopted a resolution in January 2007 demanding official Norwegian recognition of SADR. LYMEC has member organisations in 37 European countries and a total of almost 250,000 individual members throughout Europe. The youth parties have a varying degree of influence of their mother parties, of which many participate in national governments, for example in Belgium, Denmark, Finland, Hungary, Ireland, Sweden and Switzerland. In Scandinavia, even governing mother parties are now approaching the idea of recognising the Sahrawi state. The first governing party to make a formal decision on this was Norway's Socialist Left Party, which is the second largest party in the current Centre-left government of Norway. Also condemning Morocco's attitude and human right violations, the party's national executive passed a resolution calling for Norway to formally recognise SADR. But Norway will not yet formally recognise SADR. The kingdom's largest party, which dominates the ruling coalition, still holds that a last diplomatic effort must be made. At the Labour Party's bi-annual congress in late April, a group of several delegates and members of parliament also presented a draft resolution that included a formal recognition of SADR. It was seriously considered, but concluded that for now, increased pressure on Morocco needed to be prioritised. Nevertheless, the Norwegian Labour Party demanded the Sahrawi people were given the right to decide on independence in a referendum and condemned the Moroccan human rights violations in the "annexed territory", which the UN peacekeepers there should get a widened mandate to supervise. Together with the Socialist Left, the party agreed to work actively against trade with goods emanating from Western Sahara "until there is a solution to the conflict." Also in neighbouring Sweden and Denmark, ruling parties are getting closer to consider recognition. In Denmark, the Liberal Party dominates the ruling coalition. In Sweden, socialists and conservatives are equally annoyed by Sweden's recent diplomatic failure in excluding Western Sahara waters from the new fishing accord between Morocco and the EU. Indeed, the successful adoption of this fishing accord seems to have backfired as it has drawn greater international attention to Morocco's exploitation of natural resources from the occupied

territory, deemed illegal by a UN analysis. In Scandinavia and all over Europe, political parties that so far have taken little interest in the Western Sahara conflict are now considering banning trade with the occupied territory. While a first European recognition may not be imminent, the Western Sahara solidarity movement at least made very substantial gains. With the resolutions by the European liberal youth, the Sahrawi struggle is put on the agenda in countries where it so far enjoyed little attention, in particular in the east. In other countries, trade limitations may soon be implemented. The heat is slowly being turned up on Morocco. There are widespread supports already visible in Europe. On 22/05/2007, A European Parliamentarian accuses Morocco of "systematic violation of international law". Detail of the report is:

"The European Parliamentarian Willy Meyer, from Izquierda Unida (United Left, 3rd political force in Spain), accused Morocco, Tuesday in Strasbourg, to be "systematically violating the international law" and called on the European bodies "not to turn the head away" from the situation that prevails in the occupied territories of the Western Sahara. "The European bodies should not turn the head. We are speaking about a country, Morocco, which is systematically violating the international law and the human rights in the occupied territories of the Western Sahara", Mr. Meyer affirmed, according to a press release published in Madrid by his party. The Parliamentarian called on the European Parliament, during his intervention in the plenary session, to "back" and "accompany" the implementation of the UN Security Council's resolution 1754, especially the 2 article that "encourages a just, lasting and mutually acceptable political solution that provides for the self-determination of the people of the Western Sahara". He underlined that the self-determination is "the fundamental pillar" of this resolution that reaffirms the support of a solution to the conflict that is "just and conform to the international legality ". Mr. Meyer asked the European Parliament to "firmly engage" in promoting a solution that comes within the framework of the principles defined in the resolution adopted by the UN Security Council last April the 30th. On another hand, he denounced the violation by Morocco of the principles contained in this resolution. "Though the resolution is clear, the Moroccan constant position is not since it systematically violates this resolution and impede the free determination of the people of the Western Sahara", he said. "During the last week, three Saharawi human rights activists were detained in El Aaiun (the occupied capital of the Western Sahara). There is a systematic violation of these fundamental rights by the kingdom of Morocco", the European Parliamentarian denounced¹⁴.

What Makes SADR to be a Utopian Dream State?

International law is however deficient- a set of rules devised by human as a framework for peaceful coexistence and the peaceful resolution of conflicts. But it ought to be observed and enforced. Morocco does not observe it (as per Chapter VI of the Charter of the United Nations) and the international community does not put enough pressure on the need to enforce it (as per Chapter VII). As BLG15 himself rightly points out, "international law is a framework to ensure respect of peoples' rights." But, are the

legitimate rights of the Saharawi People respected? On the other hand, have the Saharawi violated the rights of the Moroccan People? Had the SADR invaded and occupied Morocco, what would have been the reaction of the international community? Kuwait and East Timor- ring bells and are not far in time. The reason why Morocco has continuously hindered a transparent and fair referendum is because its most unruly leaders fear the results. They thus deny in advance and eliminate from reality what according to Mr. BLG is utopian (international law and, eventually, independence), while they keep the Saharawi People living under the most degrading conditions, in exile and abject poverty. They want to buy time, exhaust and demoralize the Saharawi, alienate the historical memory of the younger generations, defeat an entire people by exhaustion with the futile hope of seeing them finally surrender and accept whatever they are offered, deeply immersed in the contradictions imposed by unfair obstacles. Contrary to BLG's statement, Morocco has not been following the ostrich policy for over 30 years, but rather the burnt land policy, the *fait accompli* policy, in clear violation of international law from the times of the infamous Green March (of frenzied and manipulated civilians, on one side, and tanks, airplanes and troops, on the other) hatched with the strategic advice of Henry Kissinger. And Spain and the international community decided to adopt a *laissez faire* attitude and look away, absorbed in more profitable business, displaying a short-sightedness that has lasted way too long and has become unbearable. According to International on decolonization, self-determination is nothing but the possibility of a colonized nation to freely and democratically elect from an arrangement of proposals: full integration with the metropolis, commonwealth status vis-a-vis the metropolis, and commonwealth status vis-a-vis a third country or independence. Therefore, in spite of the fears and cunning of Moroccan leaders, the right to self-determination does not compulsory or necessarily presupposes independence, the status that Saharawis legitimately seek. As explicitly and literally stated in item 8 of the Saharawi Proposal, with a broad-minded approach: "The Polisary Front also commits to accepting the results of the referendum, regardless of its outcome, and to negotiate with the Kingdom of Morocco, under the auspices of the United Nations, the rights it is willing to grant to the Moroccan population settled in Western Sahara for 10 years, and the political, economic and security rights it is willing to guarantee to the Kingdom of Morocco should the self- determination referendum result in independence". As recently claimed by CEAS-Sahara, "the struggle to enforce their right over the territory they were robbed of in 1975, the patience and the resistance, the faith in justice and the confidence in their being right explain how Saharawis have been able to survive all this time in one of the most inhospitable areas of Earth despite so many and repeatedly unfulfilled promises". If it now seems like the times are changing, it is because the ruling Moroccan elite has run out of playing cards; because the Saharawi People have resisted with dignity time and time again, overcome all sorts of abuses and sorrow, honouring their determined commitment with international law (not with Utopia), because they have spun a network of solidarity among different peoples and defended their cause in fora all over the world. And because civil society, in Spain and all over the world, increasingly demands as opposed to the ruling class at least part of the time- the enforcement and observation of international law.

In her authoritative study of Algerian foreign policy, Nicole Grimaud coined the term "fraternal environment" to designate the Maghreb and the larger Arab world as arenas of Algerian diplomacy¹⁷. Relations among the "brothers" have often been contentious and occasionally even fratricidal, as, for example, upon the outbreak of the hostilities over the Western Sahara. Yet paradoxically, that conflict became the catalyst for a renewed push for Maghreb unity, a perennial theme in Maghrebi affairs. In searching for a Western Saharan settlement, Algeria launched a campaign for a "Greater Maghreb" that eventually produced a new regional organization, the Arab Maghreb Union (UMA). The future of the UMA is, in turn, linked to the resolution of the Saharan question. Grimaud's category of brother countries is especially apt for Tunisia, Algeria, and Morocco, the three states most commonly designated as the Maghreb. All three came under the sway of France, albeit for different durations and under different juridical regimes. During the nationalist period, Maghrebi brothers often came to know one another in France, forming such organizations as the *Association des Étudiants Musulmans de l' Afrique du Nord* as early as 1927. These bonds among *colonisés* (colonized people) carried over into the relation among the dominant nationalist movements--*Neo-Destour*, *Istaqlal*, and the Algerian National Liberation Front (FLN)--which generally supported each other's aspirations for independence. The three independent states commonly refer to one another as *pays frères*, brother countries; or when state-to-state relations heat up, the reference may shift to "brother peoples." To be sure, even among brothers harmony is never assured. I. William Zartman cites the North African proverb, "*My cousins and I against the others, my brother and I against the cousins, myself against my brother.*"¹⁸ Zartman sees the proverb as a good expression of the dynamics of a pluralist model of regional relations in which sovereign states compete over local issues. Boundary disputes and rivalry regarding the weaker periphery to the south (notably including the Western Sahara, Mauritania, and Chad) are characteristic of this pluralist pattern. Zartman suggests that this competition is functional in justifying each state's "separate national existence" and in establishing a "sense of rank" among them.¹⁹ The Greater Maghreb idea, on the contrary, implies that such rivalry is dysfunctional. Zartman views the Greater Maghreb campaign as a phase in a cycle that alternates between pluralist rivalry and integration. Each prior integration phase (the Tangier meeting of 1958, the Casablanca conference of 1961, the functional cooperation of 1964-69, and Tunisia's 1984-85 efforts to convene a pan-Maghrebi summit) has lapsed back into indifference or conflict. During the spring and summer of 1987, however, Algeria (pressed on by certain Libyan initiatives) embarked upon a major effort to transcend the pluralist pattern. This time the momentum toward regional cooperation was more sustained and successful. In February 1989 at Marakech the Maghrebi states signed a treaty creating the UMA, marking a new stage in the pursuit of regional integration. Yet since then the cycle has begun to repeat itself.

This chapter analyzes the geopolitical and diplomatic determinants of the process that produced the UMA. To be sure, economic factors like the plan for a united Western

Europe by 1992 also played a role, but regional geopolitics underlay the process. The utility of the Greater Maghreb design lay precisely in its intent to transcend the classic Maghreb trio (Tunisia, Algeria, Morocco) by incorporating Mauritania, Libya, and the Western Sahara as well. In the spirit of the proverb, one might suggest that the Greater Maghreb approach seeks to bring the cousins together with the brothers, in part to deal with such "others" as the great powers and Europe, and in part to end the strife over the Western Sahara. The evolution of regional politics in the Maghreb is one of the crucial international dimensions of the Western Saharan conflict. For more than a decade after 1975, the dispute dominated the diplomatic agenda. By the end of the 1980s, other issues assumed growing prominence, but the Saharan problem did not go away. The initiative in regional affairs began to shift from a politically volatile and economically ailing Algeria toward a relatively stable and prosperous Morocco. The victory of the Islamic Salvation Front (FIS) in Algeria's June 1990 local elections may exacerbate regional rivalries once again, completing yet another cycle of integration/disintegration. Alternatively, however, the rise of the Islamist opposition may push the ruling elites of Algeria and Morocco into closer cooperation, requiring one or the other party to give ground on the Western Sahara issue. The Greater Maghreb concept is instrumental to any strategy of Algerian-Moroccan, and hence regional, cooperation. Analyzing the Greater Maghreb concept in 1985, I argued that it was a response to two regional foyers of unrest, the Western Sahara and Libya.²⁰ Algeria, primarily concerned about the first, and Tunisia, uneasy about the second, together rallied around the banner of regional community in 1983 in an attempt to influence Morocco and Libya to change their policies. Initially they succeeded only in provoking King Hassan II and Colonel Muammar Qaddafi to join forces against them, but in the longer term they set a process in motion that has continued into the 1990s. Algeria and Tunisia took the first step in March 1983 by signing an agreement known as the Treaty of Fraternity and Concord. The treaty explicitly stipulated that it was "open to the adherence, with the agreement of the high contracting parties, of the other states of the Arab Greater Maghreb."²¹ Indeed, the text of the treaty, which was not long, employed the expression "Arab Greater Maghreb" six times. Clearly the intent was to create a dynamic that would draw in the other brothers. In the months following signature of the treaty, the two governments mounted a sustained campaign to broaden the arrangement. At the end of May rumors abounded that King Hassan II would join Presidents Habib Bourguiba of Tunisia, Chadli Bendjedid of Algeria, and Khouna Ould Tayah of Mauritania in a summit meeting in Algiers. King Hassan never arrived, however, presumably because the Western Sahara issue remained a sticking point. Even so, the Tunisians in particular continued to press for a regional summit throughout the summer. For Tunis, Moroccan entry into the fraternity treaty was highly desirable, because that would provide greater balance to the arrangement, in effect providing Tunisia with two protectors against Libyan pressures. Thus, Tunisian Prime Minister Mohammed Mzali called upon all Maghrebi leaders to transcend "narrow national entities" and upon Morocco especially to resolve the Saharan conflict by placing it "in the framework of the Arab Greater Maghreb."²²

Mzali's vision, shared by Algeria, was to finesse the Western Saharan issue by allowing both Morocco and the SADR to accede to the new treaty. The rallying cry of the Greater Maghreb was designed to entice all regional actors into a larger transnational cooperative arrangement that would make disputes over boundaries and even sovereignty irrelevant. The idea was unduly optimistic, or at the minimum premature, in 1983-84. Morocco was not seduced; on the contrary, it began to plan its liaison with Libya, the other outsider to the Algerian-Tunisian accord. By the end of 1983, the only newcomer enticed into the treaty was Mauritania. This was hardly the outcome desired by Tunisia, for it established Algiers as the center of tripartite alliance with two lesser partners. Yet at the same time, the adherence of Mauritania kept alive the idea of a larger entity and furthermore extended the membership beyond the classic Maghreb.

Although Tunisia continued to propose regional meetings throughout 1984 and 1985, the Greater Maghreb idea waned, especially once the Oujda treaty was signed in August 1984. The presence of two competing alliance axes was not congenial to discourse about regional cooperation. In the summer of 1985, Tunisian-Libyan relations became inflamed with the abrupt expulsion of some 30,000 Tunisian workers from Libya. Algeria sprang to Tunisia's support, and the lines of cleavage (Tunis-Algiers vs. Tripoli-Rabat) seemed more marked than ever. At the beginning of 1986, however, the lines blurred again, and Algeria assumed the central role in promoting the Greater Maghreb. The turning point was the January 1986 meeting between Qaddafi and Bendjedid at In Amenas, an oasis 1,200 miles southeast of Algiers near the border with Libya. Several factors prompted this desert rendezvous. Algeria, of course, had an interest in detaching Libya from its Moroccan alliance. Libya, fearful of an Algerian-Egyptian rapprochement that would capture it pincer-like between the two well-armed states, had begun to question the utility of its Moroccan tie. The report that the CIA had hatched a plan to bring down Qaddafi with the joint assistance of Egypt and Algeria could only reinforce Libyan anxieties. The fact that Algeria indignantly denied complicity in any such plot and assured "sister Libya" of its solidarity demonstrated that Libya might consider mending its fences (not to say borders) with Algeria.²³ The two countries had long pushed common energy policies within OPEC and generally similar foreign policies until Libyan intervention in Chad and its abandonment of Polisario in favor of the Treaty of Oujda had cooled the relationship. At In Amenas, the two states agreed that they had a mutual interest in reconciliation. Within two months, they signed an impressive array of economic cooperation projects. Algeria viewed these agreements as the indispensable infrastructure for long-term political cooperation. Libya, on the other hand, interpreted them as the springboard to an early union between the two states; indeed Qaddafi liked to insist that Algeria had agreed to a political union way back in late 1975, when he met President Houari Boumediene at Hassi Messaoud. The divergence between these two interpretations was discernible during Algerian Premier Abdelhamid Brahimi's visit to Tripoli in March 1986. His counterpart, Abdessalem Jalloud, declared, according to the official communiqué, that the objective of the meetings was "union, in prelude to unity of the Arab Maghreb and of the Arab nation."²⁴ For Libya, in other words, Libyan-Algerian union was the immediate goal, to be followed by the rallying of the other

Maghreb states. For Algeria, on the contrary, a more gradual process grounded in the existing fraternity treaty was the proper approach. At the same time that Brahimi was in Tripoli, Bendjedid invited Premier Mzali to Algiers to assure him of Algerian intentions. The joint communiqué on their talks stated that they had discussed "the perspectives of construction of the Arab Greater Maghreb on the basis of the principles set forth in the Treaty of Fraternity and Concord."²⁵ Thus, Algeria reiterated the primacy of the established treaty framework and the priority that it placed upon close consultation with Tunisia. While seeking to woo Libya away from Morocco, Algeria did not want to jeopardize its relationship with Tunisia.

Within days of Brahimi's trip to Tripoli, hostilities flared in the Gulf of Sidra between U.S. and Libyan forces. Three weeks later, U.S. planes bombed Libyan territory in a barely veiled attempt to kill or depose Qaddafi. On both occasions, Algeria immediately declared its support for the Libyan government and criticized the U.S. engagement in the region. One must recall as well that in October 1985 Israeli planes had attacked Tunisian territory in a raid against Palestinian Liberation Organization headquarters. These various military operations heightened the sense that North Africa was prey to a wave of external interventions. They intensified Algeria's desire to push ahead in the construction of a regional ensemble. Indeed in April 1986, Bendjedid intimated that a new proposal for a union of Maghreb states "could be announced in the near future and submitted to a referendum for approval."²⁶ In fact, a breakthrough was not imminent, but Bendjedid was gradually preparing Algerian opinion for such an eventuality.

Other developments were pushing Algeria along this course in spring 1986. One was the ruinous state of inter-Arab affairs in the aftermath of the U.S. operations against Libya. Algeria favored convening an Arab summit to articulate a common position on this and other matters, including the Palestinian question. The Algerian press deplored the failure to organize such a summit as a sign of the "patent incapacity of those who guide the destinies of the Arab world."²⁷ The Algerians undertook an initiative of their own, inviting five Palestinian factions to Algiers for reconciliation talks. Disaffection from the Arab East inclined Algeria to devote more diplomatic attention to the Arab West. Reinforcing this trend was the fact that proximity talks between Morocco and the Polisario Front were taking place in April-May 1986 as well. Although nothing came of these talks, their mere existence suggested that resolution of the Western Sahara dispute was not unthinkable. The lure of the Greater Maghreb thus persisted as a possible way out of the impasse. From Algeria's perspective, the next breakthrough was not on the Western Sahara front but rather on the Libya front, thanks to the dissolution of the Treaty of Oujda.²⁸ The divorce between Morocco and Libya increased the probability that Algeria could snare its southeastern neighbor in the Greater Maghreb net. Bendjedid promptly dispatched his Minister of State Benahmed Abdelghani to Tripoli in September; in October Jalloud returned the favor; then in December, Bendjedid embarked upon his first state visit to Libya. The principal item on the December agenda was not actually Algerian-Libyan relations but rather joint consultations on the continuing divisions among the Palestinians. Bendjedid's tactic was to engage Qaddafi

on an issue dear to him, and enlist his support vis-à-vis Syria which was pursuing a policy hostile to the Yassar Arafat wing of the PLO. By associating Qaddafi in his own efforts to reconcile Palestinian factions, Bendjedid broadened the base of Algerian-Libyan collaboration. At the same time, Bendjedid realized that the Libyan leader was losing control over his adventure in Chad and was therefore in need of new directions in which to turn. Ever sensitive to the interests of his Tunisian partner, Bendjedid took care to stop in Tunis on his return trip. Having forthrightly backed Tunisia during the expulsion crisis, Algeria now was seeking a reconciliation, including indemnities for the Tunisian workers expelled from Libya. Algeria was unable to deliver full resolution of these problems, but the Libyan press did cease its campaign of insults against the Tunisian regime. Bendjedid's solicitation of Bourguiba's counsel was doubly significant in that Algeria had been disappointed by the abrupt demise of the Mzali government earlier in the year. As Mzali had been the architect of the Treaty of Fraternity and Concord (and as Algeria had permitted his escape from Tunisia across the Algerian border), one might have expected a sharp deterioration of Algerian-Tunisian relations. Instead Bendjedid realistically kept the lines of communication open. By the same token, the stopover conveyed to Libya that Algeria was intent on maintaining its tie with Tunis. The Tunisian tie proved to be a critical variable when Libyan-Algerian momentum picked up again in mid-1987. The context of events was not unlike that of 1983 in that a second meeting between Bendjedid and Hassan (in May 1987) once again failed to provide a breakthrough on the Western Sahara dispute. The stalemate on the western front rekindled Algerian attention to the eastern front, which Qaddafi, now reeling from setbacks in Chad, reciprocated. For over a year, various economic and political delegations had been shuttling back and forth between Algiers and Tripoli.

The former were generally led by government ministers, the latter by party officials like Mohamed Cherif Messaadia (head of the FLN) or Sadek Zouaten (head of the party's Council on Friendship and Solidarity). The pattern of visits suggested that the party apparatus under Messaadia may have been particularly favorable to the idea of a union with Libya. In June, the Libyans mounted a new push to exploit these sentiments. A large Libyan economic delegation arrived in Algiers on June 12, 1987, for the signature of diverse agreements that instituted eight new joint ventures between the two governments. On June 14, Jalloud joined the delegation to conduct talks on a "political document regarding a union between Libya and Algeria."²⁹ Subsequent reports indicated that the Libyan document proposed to establish a joint presidential council, a ministerial council, and a union parliament.³⁰ The following week Qaddafi told a Kuwaiti newspaper that Algeria and Libya would form a federation in November. Then on June 28, Qaddafi arrived on an impromptu visit that lasted four days. One must assume that the Libyan leader pressed hard for his union proposal; the evidence suggests that Algeria--or at the minimum the FLN--was greatly tempted by his offer. This hypothesis arises from a rather curious set of public statements. During the Qaddafi visit, the Central Committee (CC) of the FLN held one of its regularly scheduled sessions. Normally the Algerian government press publishes a resumé of such meetings quite promptly. In this instance, however, El-Moudjahid did not provide an extended account of the CC's

deliberations until July 18, two-and-a-half weeks after the session. According to this belated account, the Central Committee was informed of a working document that the two delegations had settled upon. The text declared:

The Central Committee considers that union between Libya and Algeria is imperative ("impérieuse") and answers to the logic of history, to the demands of the community of destiny and to the aspirations of large popular masses.

*The Central Committee commends the practical steps already taken to meet the objective conditions necessary to effect this union in conformity with the will of the two brother peoples and has decided to submit the draft document to the popular masses for discussions and enrichment.*³¹

To judge by this resolution, the Central Committee was on the brink of endorsing an Algerian-Libyan union. The curiosity was that the CC resolution was not the only indicator available by mid-July, because the Political Bureau had met on July 16. Its resolution was published in *El-Moudjahid* on the same day as the CC resolution. The Political Bureau document implied that the leadership had retreated from the brink toward the earlier policy based upon the fraternity treaty. In reaffirming Algeria's "unshakable attachment" to the Greater Maghreb, the Political Bureau stressed the "need for a methodical procedure" grounded in "economic complementarities" and an "integrated Maghrebi economy." The resolution went on to "underline the historic function fulfilled by the Treaty of Fraternity and Concord" as a basic point of reference in the process of constructing Maghreb unity. The sense of imminent union was absent. There is little secret as to where it was lost. On July 7, President Bendjedid flew to Monastir, hometown of President Bourguiba, to "reflect together" about the future of the Maghreb.³² The Tunisians were in no hurry to charge ahead. For them a methodical approach meant first and foremost settlement of the financial dispute that arose out of the Libyan expulsion of Tunisian workers two years earlier. Bendjedid decided to respect the reservations and conditions of those Tunisian partners. Nonetheless, he may have believed that they could be met fairly promptly; according to one account, he persuaded Bourguiba to meet again with President Tayah of Mauritania and Qaddafi in order that the three treaty members could admit the fourth. The date set was August 3, Bourguiba's birthday.³³

In fixing a date less than a month away, Bendjedid overestimated Qaddafi's willingness to compromise. The Libyan leader had set his hopes on the draft project for a federal union that the Central Committee had ostensibly approved. Indeed, Qaddafi may have calculated that the Algerians would tire of Bourguiba and rally to his own approach to Maghreb unity. In fact, despite evidence to the contrary, he rashly asserted in a September 1 speech that unity with Algeria would be proclaimed on November 1. Both Bourguiba's birthday and Algeria's revolutionary holiday passed without any such announcement. If Bendjedid misread Libyan flexibility, Qaddafi misjudged Algeria's priorities as established by the July 16 Political Bureau meeting. The evidence suggests

that Algerian policy was under debate from mid-June to mid-July. It is plausible to argue that the party secretariat led by Messaadia was favorable to the immediate union approach. The party chief had carried out numerous missions to Tripoli for Bendjedid. A union of the two North African radical states was ideologically attractive from the FLN perspective. Such a predilection appears to be reflected in the June 30 CC resolution. At the same time, Foreign Ministry officials, led by Foreign Minister Ahmed Taleb Ibrahimi, regarded the fraternity treaty framework as the most effective way to collaborate with the other states of the region (including Morocco and Libya). During the critical period between Bendjedid's trip to Monastir and the Political Bureau communiqué, all of Algeria's ambassadors abroad assembled in Algiers for a conference. It is unlikely that this group unanimously supported an immediate Algerian-Libyan federation. Likewise, other government ministers may have expressed reservations; they were the ones, after all, who had been carrying out the "methodical procedures" of functional cooperation that the Political Bureau statement stressed. The majority of the Political Bureau is made up of government ministers, not of full-time party officials. One can reasonably conclude that the Political Bureau statement of July 18 signaled a reassertion of the more pragmatic treaty (as distinguished from union) approach to constructing the Greater Maghreb.

Tunisia's objections and preconditions strengthened the hand of Algerian pragmatists in the policy debate. Subsequent developments are consistent with this interpretation. First, the assumption of power by Zine el-Abidine Ben Ali in Tunisia, in November 1987, facilitated the process of Libyan-Tunisian reconciliation. Although the substance of the Tunisian position did not change, the tone of Tunisian-Libyan relations improved, thus providing Libya with a new incentive to clear up the obstacles. Tripoli agreed (as Algeria had been urging) to settle the financial claims arising out of the 1985 crisis and reopened its border to Tunisian labor. The post-Bourguiba government, nevertheless, reiterated the same connection of gradualism and the necessity for Libya to respect Tunisian sovereignty. As the new Tunisian Foreign Minister Mahmoud Mestiri put it, "It will be necessary for Colonel Qaddafi to pledge to respect all the provisions" of the Treaty of Fraternity and Concord, notably nonintervention in one another's internal affairs.³⁴ In the context of such mutual understanding, Tunis and Tripoli restored diplomatic relations at the end of 1987. While Tunisia and Libya were thus normalizing their relations, Algeria resumed its orchestration of the distant music. In his annual state-of-the-nation address in mid-December 1987, President Bendjedid placed the Greater Maghreb at the center of his foreign policy statement:

*Strengthened by the appreciable gains resulting from the Treaty of Fraternity and Concord, Algeria has undertaken to bring together the preconditions for the reinforcement and enlargement of this decisive stage (étape), and to open new horizons to the unity enterprise. The progress recorded in the process of normalizing Tunisian-Libyan relations is encouraging. We are pursuing our action with the Libyan people for the concretization of tangible results which can transcend conjunctural difficulties.*³⁵

A few days later, the foreign ministers of Algeria, Tunisia, and Mauritania convened in Algiers to discuss the terms under which Libya might eventually adhere to the treaty. Beyond the normalization of relations (satisfied a week later), Tunisia merely wanted an understanding that Libya would officially request its accession to the treaty. Following Qaddafi's successive visits to Tunisia and Algeria in February 1988, numerous signs suggested that such a request was imminent (indeed rumor had it that a quadripartite summit would take place on March 19, 1988, on the fifth anniversary of the original treaty). Bendjedid revealed that he believed that he had "an agreement in principle from all the parties" that Libya would adhere to the treaty.³⁶ During Ben Ali's early March visit to Algiers, the two presidents affirmed the "exigency of . . . enlarging and enriching the Fraternity and Concord Treaty."³⁷ Yet the anniversary passed without Libya making the desired move. Qaddafi, as it turned out, still was not on the same wavelength as the other brothers. Instead of a treaty among sovereign states, he wanted the suppression of borders and total union. Toward this end he ordered the customs station at the Libyan-Tunisian passage point to be blown up. This impetuous gesture toward a Maghreb without borders fit into Qaddafi's larger dream of an Arab union from the Atlantic to the Gulf. Where Algeria saw the Arab West as a discrete entity exercising regional autonomy vis-à-vis external powers, Libya saw the Maghreb as a potential exemplar for the entire Arab world. Algeria was obliged to conclude that, having succeeded all too well in sponsoring Libyan-Tunisian rapprochement, it had not achieved its immediate policy objective, a four-party treaty. The fraternity treaty framework had always been designed not to exclude Morocco but to pressure it. In an interview with U.S. journalists in February 1988, Bendjedid stated that he wished to include Morocco in the grouping and to construct a joint natural gas pipeline with Morocco on the condition that the Western Sahara dispute is resolved.³⁸

One can see the parallel that had appealed to Algeria: Libya being diplomatically isolated eventually resolved its differences with Tunisia in order to join an economically and politically attractive regional cooperation arrangement; Morocco being diplomatically isolated and drained by the cost of pursuing the Saharan war would eventually likewise see the Greater Maghreb as offering a framework for a compromise settlement. Having come up short on the Libyan front, Algeria took a new look at the western front.

Despite the absence of striking results from the second Hassan-Bendjedid meeting, the two governments had continued to send emissaries back and forth quite frequently since May 1987. Both acknowledge the cost of their respective Saharan commitments at a time of strapped national budgets. Algeria in particular was feeling the crunch of depressed oil prices. Both saw concrete economic benefits in resuming normal relations. At the end of March 1988, a common enemy in the form of invading locusts obliged the two countries to work together. This peril of nature served to dramatize how much Algeria and Morocco had in common and just how costly their dispute was. Yet another variable was Algeria's strong desire to organize an Arab summit on the Palestinian *Intifada* (Uprising) at which Hassan's presence would be valued. All these determinants converged in May 1988 in the conclusion that both states' interests lay in the restoration of diplomatic

relations between Rabat and Algiers. Very swiftly the brothers moved to end their twelve-year estrangement. King Hassan named a close palace confidant, a doctor and former dean of the medical school, Abdellatif Berbiche, as his ambassador to Algiers. The Algerians reciprocated by recalling Abdelhamid Mehri from the embassy in Paris to represent them in Rabat. Mehri was widely respected as a veteran of Maghrebi affairs, having attended the landmark Tangier conference on Maghreb unity thirty years earlier. Regularly scheduled flights were quickly established and a progressive reopening of the border was implemented. King Hassan accordingly agreed to attend the Algiers summit on Palestine in early June. In the midst of this spectacular reconciliation, only one area remained rather vague. Indeed, as *Jeune Afrique* observed, the paragraph on the Western Sahara in the May 16 joint communiqué was a "genuine masterpiece of ambiguity."³⁹ Yet the assumption had to be that both governments believed that some form of negotiated settlement was within reach under the cover of Greater Maghreb cooperation.

The Algerian-Moroccan rapprochement was a major breakthrough in the construction of the Greater Maghreb. Within a month of the decision, King Hassan sailed royally into the port of Algiers, not only to attend the pan-Arab summit but also to permit a precedent-setting Maghreb summit. On June 10, 1988, the chiefs-of-state of five nations from Mauritania to Libya met at Bendjedid's Zeralda residence to institutionalize the idea of Maghreb cooperation. They set up a commission to implement steps toward a regional market; the commission held its first session in July and established five subcommittees, each chaired by a representative of a different participating state, on security, economic, financial, and cultural matters. Over the ensuing months, the commission met several more times to prepare the Marrakech summit at which the treaty founding the UMA was signed. After six years of persistent regional geopolitical maneuvering, the Greater Maghreb finally assumed an institutional form. Equally significant was the impetus according to the pursuit of a negotiated settlement of the Western Sahara dispute. Shortly after his visit to Algeria, King Hassan suggested that the solution to the Saharan conflict might lie in the "regionalization" of Morocco itself, a federal scheme on the model of the German federal states. He stated that he was prepared to offer considerable regional autonomy not only to the southern provinces (the Western Sahara) but throughout the kingdom in order to preserve its great diversity.⁴⁰ The king's offer of practical autonomy under Moroccan sovereignty was not the solution that Polisario ideally preferred, but it did imply a willingness to reconsider the status quo. At the same time, UN Secretary-General Javier Pérez de Cuéllar was canvassing both sides with a cease-fire/referendum proposal that Algeria saw as constructive. In the new climate of regional cooperation, the disputants were under pressure to try a conciliatory approach. In pursuit of his mediation, the secretary-general had set September 1, 1988, as a deadline for approval of his peace plan. On August 30, the two sides announced that they accepted Pérez de Cuéllar's proposal. In fact, hostilities did not cease right away. Polisario, still backed by Algeria, insisted that the precise terms of the referendum would have to be negotiated directly with Morocco, a longstanding demand that the king had steadfastly rejected and that Pérez de Cuéllar had not specifically addressed in his plan. Just as the process appeared to be bogging down again, however, King Hassan gave another interview in which he

expressed his willingness to meet "all who find themselves on the other side" in order to "be informed of their grievances" and of "what they want for this part of [Moroccan] territory."⁴¹ In offering this conclusion, Hassan presumably calculated that Polisario, under Algerian pressure, was likewise ready to make some substantive concessions as well. The Sahrawis sprang at this new opportunity. In the first days of 1989, a three-man Polisario delegation arrived to hold *discussions*--Moroccan officials were intent to insist that these were not negotiations--concerning the situation prevailing in the contested territory. Although both sides were discrete about the outcome of the meeting, they indicated that the talks were productive. Polisario official Bechir Mustapha Sayed predicted an accord by March. At the end of January, moreover, Polisario declared a month-long truce, subsequently extended. Its top leader, Mohamed Abdelaziz, said, "The most important thing is to arrive at an agreement with the Moroccans before the referendum."⁴² This remark implied that Polisario expected further talks that could lead to consensus upon a formula (such as local autonomy within a larger regional framework) that both sides could live with for the sake of peace within the Greater Maghreb.

Yet the founding of the UMA three weeks later, the result of an irresistible momentum that had built up behind the idea of the Greater Maghreb, still left the Western Sahara question in limbo. The fact that the treaty was signed *without* any gesture whatsoever toward SADR was clearly a point for the Moroccan side. On the Algerian side, it was assumed that cooperation in the new organization ought to be a two-way street; it expected (perhaps unrealistically) that Morocco would remain open to further direct talks with Polisario. Algeria was rudely disappointed. Instead of extending his January initiative, Hassan refused any further direct negotiation and declared that Saharan dispute was but a "grain of sand" in the larger design of the Greater Maghreb.⁴³

The king apparently interpreted the signature of the UMA treaty at the royal palace in Marrakech as a vindication of Moroccan policy. The new regional organization came into being without any public guarantee on the Saharan issue. Hassan may well have reasoned that Algeria, still reeling from the effects of the October 1988 domestic crisis, was in no position to press the Sahrawi cause further.⁴⁴ This interpretation, however, neglected the dialectic that had existed from the outset between the Greater Maghreb theme and some form of negotiated settlement of the Saharan question. Thus, Hassan's failure to renew talks with Polisario virtually halted the UMA in its tracks before it got started. Everything bogged down again; neither the newborn UMA nor the fledgling peace process made any headway throughout the remainder of 1989. In September, Polisario called off its truce and some of the bloodiest battles of the entire war ensued. Both Morocco and Algeria, one can conclude, ended up manipulating the Greater Maghreb idea in the hope of cajoling the other into concessions. Algeria gambled that the king would enter into direct talks with Polisario in order to maintain the momentum of the UMA. Morocco calculated that Algeria would place a higher value upon economic cooperation than on sticking by the Sahrawis. In this sense, each one's policy was the mirror image of the other's; thus the Saharan stalemate persisted into the 1990s, and the

UMA marked time as a consequence. Throughout the 1980s, inter-Maghrebi politics were unquestionably dominated by the Saharan conflict. Until the issue is resolved by one concession or another, it will remain more than a speck of sand in regional affairs. The fact remains that the idea of regional integration, however instrumentally it has been employed to date, entrails very large stakes for the states of North Africa. The Maghreb needs to become a "grand ensemble," as Bendjedid has been fond of saying. The states of North Africa today confront the tremendous changes that are occurring in Europe. The countdown to a united Western European Community is well underway as 1992 draws near. A common North African market of 62 million people makes eminent good sense for all of the Maghrebis. Only by pooling their resources in a regional entity can the brothers hope to maintain any semblance of autonomy in the rapidly evolving international political economy. The Greater Maghreb theme acknowledges this emergent economic reality as much as it evokes the old dream of Maghreb brotherhood. The Algerian diplomat Abdelmalek Benhabylès once referred to the idea of Maghreb unity as "distant music," faintly beckoning, never quite fully heard.⁴⁵ The metaphor seems apt to characterize the situation in the early 1990s: the music can be heard ambiguously emanating from somewhere behind the dunes of the Saharan problem. Far from the "grain of sand" that Hassan imagined, the Western Sahara has been a major feature of the Maghrebi landscape. The future edification of the Greater Maghreb still remains linked to an honorable settlement of the Saharan issue.⁴⁶ From the fraternity treaty of March 1983 to the union document of February 1989, the states of North Africa all advanced proposals to reorganize the "fraternal environment" around one or another conception of Maghreb unity. Each tried to exploit the unity idea to achieve its own primary goals. The founding of the UMA raised hopes that they were moving to a common understanding of the path to regional cooperation. These hopes were not borne out, as Algeria continued to back direct talks that Morocco was unwilling to hold. As compelling as the logic of regional integration would seem, the status of the sixth brother must be resolved if the Greater Maghreb is to prosper.

French Hand Seen in Western Sahara Impasse⁴⁷.

The United States justifies Kosovo's declaration of independence from Serbia. The Russians fiercely oppose it. Washington considers Abkhazia as an integral part of Georgian territory. Moscow recognizes it as a sovereign nation. Both major powers have no dispute, however, on the question of Western Sahara's independence from Moroccan control. So the question in the mind of many diplomats here is why Western Sahara is unable to exercise its right to self-determination. "The main reason behind the U.N. failure to address this issue is the French support for Morocco," said Ahmed Boukhari, Western Sahara's ambassador to the U.N., in an interview with IPS. "France is behind Morocco. It finances Morocco." Western Sahara is the last decolonisation case in Africa, and has been on the U.N. list of Non-Self Governing territories since 1963 when it was under Spanish colonial rule. Saharans lost much of their territory as a result of the Moroccan invasion in 1976. Saharans argue that the Moroccan occupation is in violation of numerous U.N. resolutions as well as the 1975 ruling of the International Court of

Justice that affirmed their right to self-determination. Following the court's decision, Spain was due to organize a referendum, but failed to do so as Morocco deployed its army in Western Sahara. In response, the Saharans established a resistance group known as Polisario in 1976. In 1991, the U.N. Security Council devised a plan to end fighting between the two sides and a free and fair referendum on self-determination in which Saharans would choose between independence and integration. The plan never worked. After holding a series of discussions, the U.N. General Assembly's political committee, which considers matters related to decolonisation, passed another resolution in which it reaffirmed the right of "all peoples" to self-determination in line with the U.N. Charter. Those who support the Saharans' quest for freedom are critical of the text of the resolution because it overemphasizes the role of the Security Council. The Council is currently pushing the two sides for talks for an "acceptable solution". The increased Security Council role in bringing the conflict to an end seems more desirable for Morocco because then its backer, France, can exert its influence in decision-making process as one of the five permanent members who enjoy veto power. During discussions at the General Assembly's political committee meeting, Morocco and its supporters argued that the question of Western Sahara needs to be addressed with "realism", which means Rabat might be willing to offer an autonomous status to Western Sahara, not the choice for independence. "Which kind of realism they are talking about? Kosovo or Abkhazia? We are not going to renounce our right to self-determination. We want a free and fair referendum. If people do not want independence, we will accept that," said Boukhari, who sees French backing as a major factor behind Morocco's attempts to bury the issue of Western Sahara's independence.

Sometime ago, Morocco's delegate said the draft resolution was in line with "legitimate expectations", and that it would align the General Assembly with the Security Council regarding the issue of Western Sahara. He described Morocco's approach to the conflict as a "sincere and serious means by which to solve this regional dispute". But those who have closely watched the U.N. discussions on decolonisation argue that if the Security Council is seized of the question of Western Sahara, then there is no need for the other U.N. bodies to consider this issue and that it would only create more complications. "Morocco offers its so-called autonomy as the only option in Western Saharan decolonization process and dares to place it as a precondition," said Boukhari. "We are not a Moroccan province. [Our] people are entitled to freely choose between independence and any other option including integration into Morocco. This is the U.N. doctrine. The opposite will be the doctrine of double standards." During discussions in the committee meeting on Western Sahara, like many other delegates, Algeria's representative held that the question of Western Sahara was a question of decolonisation, and the Saharans have the right of self-determination. There are more than 100,000 Saharans who are currently living in refugee camps in Algeria. U.N. officials responsible for monitoring human rights violations acknowledge in their reports that the question of human rights abuses is derived from the fact that the right to self-determination of the people of Western Sahara has not been accepted. Polisario leaders claim that the whereabouts of over 600 civilians and about 150 militants are still unknown 1975 due to

alleged atrocities committed by the Moroccan military. In response to a question, Bukhari described the U.S. role in the past as "positive", but noted that after the Iraq war, "they came to the old Cold War thinking and established a special relationship with Morocco." The Saharan envoy said the Moroccans are unwilling to leave their territory because it is extremely rich with natural resources, such as phosphate, uranium, gold, and diamond. "We have the best phosphate in the world," he said. "If we were free, we would be 40 times richer than Kuwait." "Morocco is illegally exploiting our resources, and it is doing so with the French support," Boukhari told IPS. "Why is France backing Morocco? It's not a party to the conflict."

End Notes:

¹ . UGTSARIO, Spanish for "Union General de Trabajadores de Saguia el Hamra y Río de Oro (The General Workers' Union of Saguia el Hamra and Río de Oro), is the labor organization of the Front Polisario. While founded before the Spanish withdrawal from Western Sahara, and initially an important part of Polisario, its importance has diminished as a result of the mass flight of Sahrawis in 1975-76.

² . UJSARIO, sometimes written UJSario, Unión de Juventud de Saguia el Hamra y Río de Oro (The Youth Union of Saguia el Hamra and Río de Oro) is the youth organization of the Front Polisario. It was founded in 1984 through the merger of Unión de Estudiantes Saharauis (Sahrawi Students' Union) and the Polisario youth. It operates from the Sahrawi refugee camps in Tindouf, Algeria, organizing youth and students within the exile community, and promoting the interest of the youth within the Polisario and the Sahrawi republic.

³ . UNMS, English abbreviation NUSW, Union Nacional de Mujeres (The National Union of Sahrawi Women) is the women's organization of the Front Polisario. The organization is active in the Sahrawi refugee camps in Tindouf, Algeria, where it is a powerful force within the Polisario and the Sahrawi republic. It is internationally active in organizing support for Sahrawi women and the Sahrawi cause, but also campaigns for women's rights within the exile community and in political decision-making. As a consequence of this, and of the special circumstances of the Western Sahara war years, the situation of Sahrawi women has improved noticeably. There are presently two women in the Sahrawi republic's government. Keltoum Khayati, a former general secretary of the Union had returned to Morocco, and is defending the Moroccan position in the conflict. The present general secretary is Fatma El Medi.

⁴ . <http://www.newint.org/issue297/wall.html>

⁵ . <http://www.palinstravels.co.uk/book-2056>

⁶ . <http://www.airsceneuk.org.uk/airshow06/morocco/morocco.htm>

⁷ . FRETILIN (Revolutionary Front of Independent East Timor), Frente Revolucionária de Timor-Leste Independente. On 20 May 1974, Fretilin formed under the name ASDT. In Sep 1974 it changed its name to Fretilin. The purpose was to pursue full independence for East Timor. Fretilin was, and still is, opposed to any foreign occupation, colonization or imperialism. Fretilin had a campaign at the grassroots level and currently has over 180,000 active members (militants). Fretilin developed policies on education, women's rights, worker's rights, children's rights, health and hygiene, the environment. Fretilin was a champion of organising effective resistance against Indonesian invasion on three important fronts:

1) military front (FALINTIL); 2) clandestine front (underground); 3) diplomacy front.

This led to the existence of:

* the CRRN (National Council of Revolutionary Resistance), then

* the CNRM (the National Council of Maubere Resistance / Concelho Nacional da Resistencia Maubere), and finally

- * the CNRT (National Council of Timorese Resistance / Conselho Nacional de Resistência Timorese) which formed in order to achieve national unity.
What does Fretilin aim to achieve in the future?
- * to establish a democratic government of national unity in order to promote re-construction;
 - * to re-establish the policies that benefit the grassroots with an emphasis on sustainable development and environmental awareness;
 - * to organise and hold another Congress in May 2001 to develop its political program, and plan its election strategies;
 - * to campaign for the up-coming elections on August 30, 2001.
- <http://www.etan.org/et2002c/october/01-05/28tach1.htm>
- ⁸ . <http://www.arso.org/Abdelaz260304.htm> and it is a Verbatim transcript by: Federal News Service, Washington, D.C.
- ⁹ . <http://www.merip.org/mero/mero080103.html>
- ¹⁰ . Abdelkader Taleb Oumar (Arabic: عبد القادر طالب عمر-is the current Prime Minister of the self (-in-tnemnevog eht fo krowemarf eht ni ,(SADR)declared Sahrawi Arab Democratic Republic exile proclaimed by the Polisario Front. He was named to that post by SADR president Mohamed Abdelaziz, following the XI General Popular Congress held in Tifariti on October 29, 2003. Oumar is a Polisario Front veteran who has lived in exile in Tindouf, Algeria since 1975. He has held ministerial posts in several previous governments, served as speaker of the Sahrawi National Council (the exile parliament) in 1999-2003, and before that as *wali*, or mayor, of the Smara refugee camp in Tindouf.
- ¹¹ . Details of the constitution in Spanish is at <http://www.arso.org/03-const.99.htm>
- ¹² . Afrol News, 2 May.
- ¹³ . <http://www.lymec.org/index.php?name=News&file=article&sid=156>
- ¹⁴ . http://www.upes.org/body1_eng.asp?field=sec_eng&id=187
- ¹⁵ . Bernab Lopez Garica (BLG), Spanish newspaper EL PAOS published, in the Opinion Section, an article titled "Postponing Utopia, Defending Dignity,"
- ¹⁶ . Robert A. Mortimer
- ¹⁷ . Nicole Grimaud, *La politique extérieure de l'Algérie* (Paris: Karthala, 1984), 165.
- ¹⁸ . I. William Zartman, "Foreign Relations of North Africa," in Gerald J. Bender , ed., *Annals of the American Academy of Political and Social Science* (Newbury Park, Calif.: Sage Publications, 1987), 19.
- ¹⁹ . Ibid., 16.
- ²⁰ . See my "The Politics of Reassurance in Algeria," *Current History* 84, no. 502 (May 1985): 201-4, 228-29.
- ²¹ . The text appears in *Annuaire de l'Afrique du Nord*, 1983 (Paris: Editions du Centre National des Recherches Scientifiques, 1985), 69495.
- ²² . Interview with An Nasr (Constantine) cited in *Grand Maghreb* 29 (March 1984).
- ²³ . The report about the CIA appeared in *The Washington Post*, November 3, 1985; the Algerian reaction is reported in *Le Monde*, November 6, 1985.
- ²⁴ . *Le Monde*, March 25, 1986.
- ²⁵ . Ibid.
- ²⁶ . *Le Monde*, April 11, 1986.
- ²⁷ . *El-Moudjahid*, May 4, 1986.
- ²⁸ . Morocco denounced the treaty at the end of August 1986 after Qaddafi qualified Hassan's July meeting with Israeli Prime Minister Shimon Peres as treason.
- ²⁹ . The expression is taken from the official communiqué as reported in *Le Monde*, June 30, 1987.
- ³⁰ . *The Washington Post*, October 7, 1987; *Le Monde*, October 9, 1987.
- ³¹ . *El-Moudjahid*, July 17-18, 1987 (my emphasis).
- ³² . *Le Monde*, July 9, 1987.
- ³³ . *Le Monde*, November 6, 1987.
- ³⁴ . Ibid. See also *Le Monde*, December 30, 1987.
- ³⁵ . *Le Monde*, December 17, 1987.
- ³⁶ . *The Washington Post*, February 7, 1988.

³⁷ . Le Monde, March 5, 1988.

³⁸ . The Washington Post, February 7, 1988.

³⁹ . Jeune Afrique, no. 1430, June 1, 1988.

⁴⁰ . Le Monde, August 3, 1988.

⁴¹ . Le Monde, December 27, 1988.

⁴² . Le Monde, January 29-30, 1989.

⁴³ . One should note that indirect talks did continue under the auspices of the United Nations; Pérez de Cuéllar toured the region in June 1989 and again in March 1990, as did his special emissary, Johannes Manz, in February 1990. In July 1990, the secretary-general brought Moroccan and Polisario delegates together in Geneva for what he expected to be direct talks; once again, however, Morocco refused to meet face-to-face with Polisario.

⁴⁴ . For an analysis of the October crisis and its aftermath, see my *Algeria after the Explosion*, *Current History* 89, no. 546 (April 1990): 161-64, 180-82.

⁴⁵ . Cited in Grimaud, *La politique extérieure*, 165.

⁴⁶ . Shortly, before the July 1990 meeting of the UMA presidential council, Algerian Foreign Minister Sid Ahmed Ghazali indicated that the main obstacle to full development of the union was the unresolved Saharan question. *Al Sharq al Awsat* (Washington), July 10, 1990.

⁴⁷ . By Haider Rizvi, Inter Press Service , October 22, 2008

2.5 The Cost of the Conflict.

Every conflict comes with a cost and the cost of the conflict in Western Sahara is enormous in terms of economic, political and humanitarian.

2.5.1 Problems of an Unresolved Conflict. Various aspects of an unresolved conflict are stated subsequently.

2.5.1.1 The Human Costs (Estimations).

Between 1975 and the 1991 ceasefire, fighting between the Polisario and Morocco led to significant population displacement and the territory's division into two separate entities. During the 1980s, Morocco constructed a series of defensive walls, the outermost of which, commonly referred to as the Berm, runs along a path of more than 2,500 kilometers and cuts the Western Sahara in two. One side, comprising roughly 85 % of the territory, is controlled by Morocco; the other side by the Polisario. The Polisario estimates that 50,000 Sahrawis have fled the Moroccan-controlled zone into the area it controls. Today, the bulk of this population is living outside the SADR territory, as the refugee camps are located in Algeria, around Tindouf. According to the Polisario's further estimates, the camp population stands at roughly 155,000, in addition to the 10,000 people in Tindouf. However, Morocco sharply disputes these figures, and the Office of the UN High Commissioner for Refugees (UNHCR) regularly complains that the Polisario will not allow it to carry out a true population count. There are also roughly 30,000 Sahrawis in Mauritania,¹ 353,500 in Cuba and between 12,000-15,000 in Spain.² The other Diaspora communities are much smaller, with the exception of the Sahrawi student population in Algeria. Statistics are not available for the Western Sahara villages that, unlike the camps, are not in Algerian territory (to name a few: Agwanit, Amgala, Bir Lehlou, Dougaj, Mehaires, Tifariti, Mijek, Bir Tirrissit and Zoug).³ These villages are chiefly inhabited by Polisario fighters. These areas comprise a small separate civil population, chiefly nomadic peoples who move according to the rains, and a small merchant population, but together they represent only from several hundred to, at most, a few thousand individuals.



The Sahrawis in Polisario-Controlled Territories⁴.

The Sahrawis in both Tindouf and the "liberated" territories have all borne the cost of forced separation from their families. There is hardly a Sahrawi family that has not lost someone to, or been separated by, the war. The experience of separation has become one of the central components of Sahrawi identity, with most Sahrawi refugees coming from

the part controlled by Morocco and living far from the land of their birth for up to 30 years. The separation is lived twice over, because many of the refugee families have husbands and fathers serving as fighters far away in the “liberated territories”. The separation was all but total until the introduction of a family visiting program which, since March 2004, has allowed several thousand camp refugees to meet with family members living in Moroccan-controlled territory⁵. In 2005, some 19,000 Sahrawis signed up to the program, but only 1,476 were able to take advantage of it⁶ as the budget was limited. The program also entailed the installation of phone booths in the camps to allow calls to the Moroccan side.⁷ In recent years, Mauritania has become a place where families from “each side can meet together”.⁸ This meagre progress has made some modest gains towards alleviating the suffering, but the pain of separation remains. The cost of separation is compounded by the difficulties engendered by forced displacement, both in terms of the strict control exercised by the Polisario and, even more, in terms of the resulting isolation and dispersal of the population, which generally has very few means at its disposal (financial or material) to travel. The zone containing the camps lies more than 2,000 kilometres from Algiers and from the closest Mauritanian town, Zouerate, but there is no road between them, just as there is no road between the villages of the “liberated territories”. It therefore takes eight hours in an all-terrain vehicle to go from Tindouf to Tifariti, a distance of little more than 260 kilometres. An important albeit modest change that has taken place over the last few years is that, thanks to European agencies (mainly Spanish), thousands of children are now able to leave the zone during the summer in order to escape the desert’s hottest and most languorous season. Camp isolation contributes to making living conditions arduous. The hamada⁹ of Tindouf is a rocky plateau, one of the most inhospitable parts of the Sahara desert. With an arid climate, the region has very little vegetation. Temperatures frequently exceed 40°C and, in the summer, sometimes 50°C. This environment, together with the refugees’ poverty, has led to numerous health problems. There are grave prenatal care deficiencies, and the maternal mortality rate is 8 per cent.¹⁰ In early 2005, the Sahrawi Red Crescent announced that 66 % of pregnant women and 68 per cent of children under fifteen months suffered from anemia due to delays and shortfalls in humanitarian assistance; malnutrition affected nearly 8 per cent of children.¹¹ There are also numerous chronic difficulties linked to the region’s climate: arterial hypertension, lung disease and eye conditions, as well as illnesses connected with cold weather such as flu, throat infections and bronchitis.¹² Malnutrition often leads to vitamin and growth deficiencies among camp residents. The camps also suffer from insufficient and poorly equipped health facilities. Other than the central hospital in Rabouni, the refugees have access to a single hospital in Dakhla,¹³ the most distant of all the camps.

In addition to being poorly equipped and stocked with few medicines, the facilities suffer from water shortages and underpaid staff. Some camps have water, though often of poor quality; others rely on truck deliveries, which are strictly rationed. As for camp lodging, despite some improvements over the past 30 years – including houses made of earthen bricks and sometimes cement – some refugees are still housed in tents.¹⁴ Landmines pose another risk. According to Pascal Bongard, program director at Geneva Call,¹⁵ between five and ten million mines can be found around the wall with an additional two to five

million throughout the affected region, including Moroccan- and Polisario-controlled areas, as well as Algeria and Mauritania.¹⁶ He suggests that although the minefields on the Moroccan side presumably have been fairly accurately mapped, this is not the case for mines laid at different stages of the conflict. Not only have they not been marked on maps (or if they have been, only very imprecisely), but they also have been displaced by sand, wind and occasional rain.¹⁷ Despite the risks posed by these mines, several thousand Sahrawi nomads live in affected zones on each side of the wall. There are no solid figures for deaths due to mines, but Landmine Monitor has estimated them at several dozen since the 1991 ceasefire. More than 350 survivors of landmines live in the refugee camps, with varying degrees of injury. MINURSO,¹⁸ in collaboration with the British NGO Landmine Action, began mapping the minefields in April 2006. Work on removing the mines coupled with the Polisario's destruction of its stockpiles eliminated 3,172 anti-personnel mines and 144 anti-tank mines in 2006 as well as 3,325 mines¹⁹ on 27 February 2007, in Tifariti. Polisario signed on to the Geneva Call on 3 November 2005, thereby committing itself to no longer purchase or deploy anti-personnel mines.²⁰ Beyond the numbers, the presence of landmines and unexploded ordnance significantly hinders the refugees' movement and activity. A final issue is raised by several organisations based in Morocco or in Moroccan-controlled Western Sahara which accuse the Polisario of having killed or imprisoned numerous Sahrawis. In an 11 February 2007 press conference, the Association des Portés Disparus du Polisario (Association of the Disappeared by the Polisario) produced 294 names of disappeared persons. The list has not been verified and has not been endorsed by international human rights NGOs.

The Sahrawis in Moroccan-Controlled Territories.

If the Sahrawis living in Moroccan-controlled territories may be said to have a better material standard of living – chiefly as a result of significant Moroccan investments in the region and because it is the richest part of the territory – the human cost of the conflict is no less significant. Although not forced to suffer exile, they too have been separated from their families, forcibly displaced, and have suffered painful losses. As a result of both combat and the construction of the Berm, many were forcibly relocated. More generally, those living in Moroccan-controlled Western Sahara have seen their way of life turned upside down by urbanisation and sedentarisation, which have accelerated since the beginning of the conflict – a process encouraged by Morocco to enhance security and facilitate surveillance. According to El Kanti Balla, a once “disappeared” Polisario member:

*It is of course a lot easier to monitor an urban population than a rural, nomadic one. You have what is entailed by the fact that the territories are under occupation. This is a military zone, the army chiefs are the real decision-makers – often behind the scenes but sometimes directly – on what happens in the territories.*²¹

In addition to the 100,000 Moroccan soldiers present in the territories,²² there are also numerous other security forces: the Groupes Urbains de Sécurité (GUS), the Compagnies Mobiles d'Intervention (CMI), the Groupes d'Intervention Rapide (GIR), the Forces Auxiliaires (FA), the Renseignements Généraux (RG), the Direction de Sécurité du

Territoire (DST), the police force and the judicial police. No comprehensive estimate of the total number of security forces present was made available to Crisis Group. Accounts by local activists, foreign NGOs²³ and international organisations have all sounded the alarm over near constant human rights abuses. For example, at the end of 2006 the international media cited a confidential United Nations High Commission on Human Rights report.²⁴ It accused the Moroccan authorities of having “used disproportionate force” in suppressing pro-independence demonstrations in May 2005, reportedly injuring hundreds. Moreover, those arrested lack the guarantees of a fair trial, as the Moroccan justice system reportedly suffers from “serious deficiencies” – clients denied access to their lawyers, no investigations into accusations of torture, no fair trial – an analysis confirmed by the Association Marocaine des Droits Humains (Moroccan Association of Human Rights, AMDH).

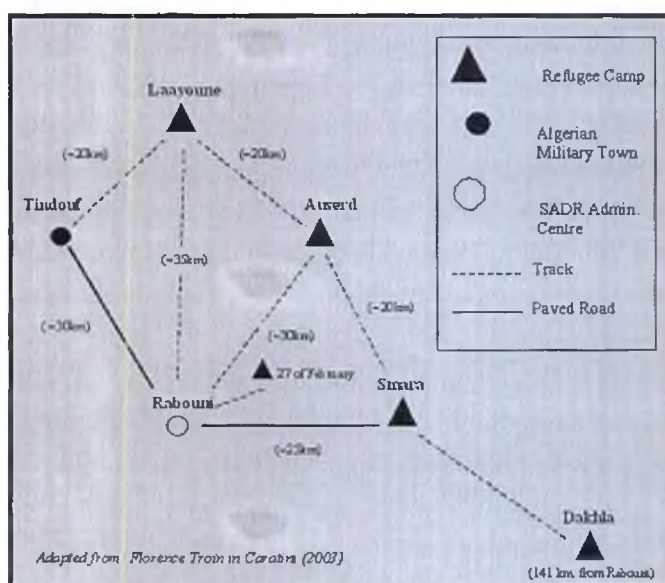
The most frequent human rights abuses involve impediments to freedoms of assembly, demonstration and membership in pro-independence political organisations,²⁵ as well as the disproportionate use of force and resort to torture.²⁶ According to several sources, these procedures have intensified since the outbreak of the 2005 intifada, the name given to the numerous demonstrations that rocked the Moroccan-controlled territories since May 2005.²⁷ A pro-independence Sahrawi intellectual confirms that since the intifada, the security forces regularly crack down on inhabitants suspected of pro-independence sympathies, beating them up before dropping them at town entrances.²⁸ There also are reports of detention of activists or of demonstrators under harsh conditions and at undeclared sites.²⁹ El Kanti Balla, who was detained in the Kalaat M’Gouna jail, 100 kilometres from the town of Ouarzazate,³⁰ states that around 350 Sahrawis were imprisoned there while he was in custody and that several of them had died, essentially from lack of care and ill treatment. A UN Working Group mandated to investigate the forced disappearances concluded: The majority of the 249 reported cases occurred between 1972 and 1980. Most of them concerned persons of Sahrawi origin who reportedly disappeared in Moroccan-controlled territories because they or their relatives were known or suspected supporters of the Polisario Front. Students and better-educated Sahrawis allegedly were targeted. The disappeared persons were allegedly held in secret detention centres, such as Laayoune, Qal’at M’gouna, Agdz and Tazmamart. Cells in some police stations or military barracks and in secret houses in the Rabat suburbs were also said to be used to hide the disappeared.³¹ In addition, foreign observers and journalists trying to conduct ground investigations face repeated constraints and obstacles³² and human rights activists face abusive legal action and arrests.³³ Finally, as in the case of the Tindouf refugees, the widespread presence of mines represents an undeniable cost to the population, Sahrawi or not, living in these territories. According to Landmine Monitor, even though Morocco welcomed the 1997 Mine Ban Treaty in principle, the kingdom has still not ratified it, announcing that it neither produced nor sold mines and that its only condition to ratify the treaty was for it to respect the country’s “territorial integrity”. The report also emphasises that in 2006 Morocco still had not provided MINURSO with information required to begin a genuine mine clearance process. The Swiss NGO Foundation for Landmine Victim id counted in 2006 alone 38 victims in Tan Tan and Assa Zag provinces, of who ten died.³⁴

The Human Cost for Moroccans.

Among Moroccans, soldiers have been the primary victims of the conflict. Besides landmine victims, the most significant human cost for the Moroccan people has been the taking of military prisoners by the Polisario. The Polisario has detained hundreds of soldiers (2,400 according to Human Rights Watch),³⁵ some of whom were held for over twenty years and subjected to torture, mistreatment or forced labour. In 2003, a mission undertaken by a French NGO, Fondation France Liberté, called them “the oldest prisoners of war in the world” and described awful conditions of torture, forced labour, abuse as well as other violations of the Geneva Conventions.³⁶ The report also listed the 120 Moroccan prisoners of war who died or were presumed to have died in captivity. The last remaining Moroccan prisoners of war were freed by the Polisario in 2005. Ali Najab, held prisoner by the Polisario for 25 years (1978-2003) and today president of the Association Marocaine des Ex-Prisonniers de Guerre de l’Intégrité Territoriale (Moroccan Association of Former Prisoners of the War of Territorial Integrity), described his detention conditions. Not long after being captured, he was taken to the headquarters of the Algerian army in Tindouf and interrogated. He claims to have been handed back to the Polisario, tortured multiple times and forced to work alongside other prisoners, often seven days a week.³⁷ In a statement before the Fourth Commission of the United Nations in New York on 10 October 2005, Ali Najab further stated that some Moroccan military prisoners (460 in total) were held in Northern Algeria – in Blida, Boughar and Boufarik. He also told Crisis Group: The fate of the Moroccan prisoners of war has been doubly moving because many families went without news of their loved ones for many years and believed that they were dead. Husbands found their wives remarried, others found their parents had died and their inheritance already gone; many suffered psychological problems.³⁸ There also is the issue of landmines, the victims of which were obviously not solely Sahrawi. The numbers cited above refer to those living in Moroccan-controlled territories, of which some are Moroccan. Moroccan soldiers are counted as a separate group. Moroccan authorities say they have recorded 51 victims of mines and unexploded ordnance (UXO), of which seven died, in the territories of the Western Sahara between March 2000 and March 2001.⁸³ More recent figures are unavailable.

2.5.1.2 The Refugee Issues.

In 1975 Mauritanian force occupied the south and Moroccan forces to the north. The Saharawi people found themselves divided under the rule of their neighbours and by late 1975 tens of thousands had fled their homes to camps to the east of the region. As most of the men immediately joined the army it was the women,

**The Layout of Refugee Camps**

children and old people who fled to the refugee camps that had been set up on the eastern border. These camps were then bombarded with napalm and phosphorous and the refugees were forced to move on to the inhospitable desert of southwest Algeria. The refugees were organized initially into 3 camps each named after a town in W. Sahara; Smara (the sacred town), Dhakla (the largest port) and El Ayun (the capital). A 4th camp Awserd was formed later as a result of population growth. The refugee camps are located in the southwest Algerian desert around the oasis town of Tindouf.

Like the vast majority of refugees in the world, the Saharawis in the camps are mostly made up of women, children, and the elderly. The main difference in this case, however, is that the Saharawi refugees themselves have been the ones running their own affairs and organizing camp life with little outside interference. This has been partly due to the willingness of their Algerian hosts to grant the Saharawis a degree of autonomy on their land. But equally important, the Polisario have, from the start of exile, set out to prepare the population for a future independent Western Sahara. As a result, much emphasis has been placed on developing human resources and striving for self-reliance. The refugees are indeed dependent on food and other essential aid for survival; however, organizations like the UNHCR that provide assistance to the camps have never run any programs there, in contrast to the case in Palestine, for example. The Saharawi refugees are located in one of the most hostile and barren deserts of the world, in the remote south-western corner of Algeria, near the town of Tindouf. They are organized into four large camps called wilayas. Each wilaya is named after a main town in Western Sahara. These in turn are divided into six or seven dairas, which are each made up of four neighbourhoods. Every दौरا has its own primary school, health clinic, and administration. Between 6,000 and 8,000 refugees live in each दौरا. These days, most of the children are sent abroad to continue their studies after primary school. For the adults, there are numerous vocational centres, including three for women that offer training in subjects such as information technology (IT) and languages. Two centres for mentally handicapped children have been set up in recent years to help them become self-reliant and change negative attitudes towards them in the society. There are also reinvigorated efforts to cultivate food after a period of decline, and several new gardens have been established in the most distant camp, called Dakhla, which is more vulnerable to shortages. Remarkably, in nearly thirty years of forced exile, the Saharawi refugees have managed to practically eradicate illiteracy, which stood at 95 per cent in 1975. Women have also made impressive strides. They have played a key role in running camp life from the earliest days when the men were away at the warfront. Over the years, they have acquired skills and training in a wide range of professions that go well beyond traditional female realms. This has been possible because girls as much as boys have enjoyed equal educational opportunities. Many girls have been sent abroad on scholarships, sometimes for long periods of time, to receive university degrees. For a historically conservative, nomadic, Muslim society, this is quite radical.

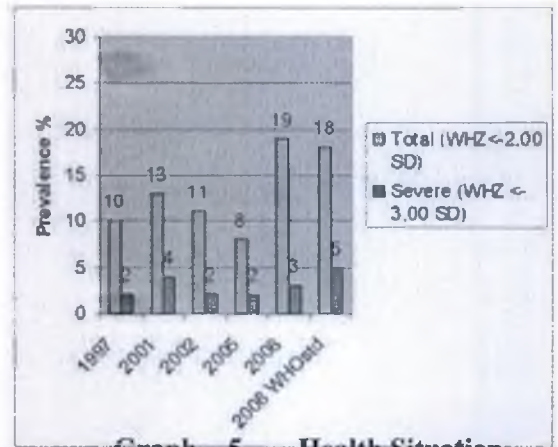
Chronically Malnourished Situation of the Refugee Camp

The situation for refugees is far worse now. Despite frequent pleas for more humanitarian aid by the UN High Commissioner for Refugees (UNHCR) to the international community, there is an ever decreasing amount of food on Senia's family dinner table, and it's of poorer quality. "We only get half the amount of food we used to", says Senia. UNHCR and the World Food Programme (WFP) estimate that two thirds of the women in the refugee camps suffer from anaemia, while an assessment made by Norwegian Church Aid in 2007 estimated anemia at 46%. UNHCR and WFP estimate that one third of children under five are chronically undernourished, while Norwegian Church Aid in 2004 estimated it to be as high as 40%. In some periods the refugees consume as little as one third of the daily recommended calorie intake, and almost never receive fresh food. The lack of aid has a marked effect on the day to day life of the camps. Refugees who previously received all they needed from foreign donor organisations must now make up for the shortfall with what little they earn. The economy that was formerly based on voluntary community work is therefore crumbling. Many of those who used to work as volunteers for the community have been forced to look around for other sources of income. Some have set up small shops in the camps, or engage in commercial activities in Mauritania or the town of Tindouf a few kilometers away. Others receive money through Spanish child-sponsoring schemes. Teachers have begun to leave their classrooms, no longer able to afford to teach. There are two reasons for the decline in humanitarian assistance, according to the World Food Programme (WFP). The first is so-called donor fatigue: few organisations are motivated to give aid to the same refugee population for three decades in succession. The second reason is the dispute as to how many refugees actually live in the camps. Population figures have always been a sensitive subject for both sides in the Western Sahara conflict. Polisario claims that 165 000 refugees live in the camps. However, in 2005 WFP and UNHCR reduced the aid to cover the "90 000 most vulnerable refugees" without defining what "most vulnerable" means, or how they had come up with that figure. After an extensive flood in the refugees' camps in January 2006, the figure was raised to 12 5,000, and in June 2007 this change was confirmed by UNHCR. Be that as it may, the UN continues to have problems in securing enough aid for the refugee camps. Various UN agencies and Sahrawi organisations issue frequent warnings that food stocks are on the verge of depletion, and will only last for a few weeks longer.



Health Situation in Sahrawi Refugee Camps Worse than Darfur³⁹

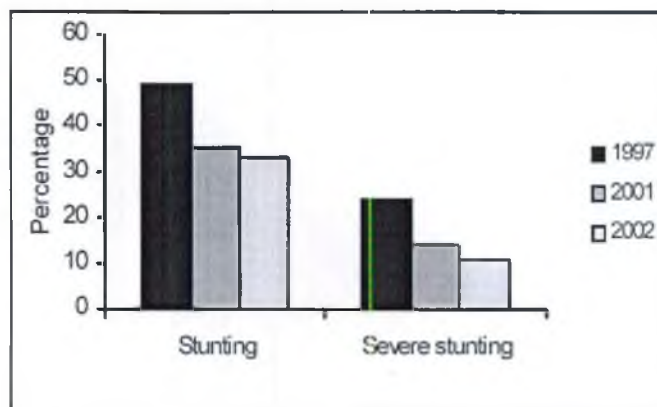
One out of five Sahrawi children who have grown up in refugee camps in Algeria are suffering from acute malnutrition. A report that will be published by the Norwegian Church Aid next week shows that the health of Sahrawi children now are severely affected by the lack of humanitarian aid. The Norwegian Support Committee for Western Saharacans now present the preliminary results of a study conducted in March-April this year in the refugee camps in Algeria. The study is to be officially launched next



Graph - 5 - Health Situation

week. In the table on the right, you see how the malnourishment has developed among Sahrawi children over the last decade. The findings of the new report, displayed as "2008" in the diagram, shows that the number of malnourished children (between 6 and 59 months old), has more than doubled in 3 years; from 8 percent in 2005 till 19 percent today. The column to the far right is a study that was recently carried out by WHO, which confirms the same results. The study also shows that 3 percent of the children are severely malnourished. The aggravation of the health situation follows a decrease in humanitarian aid to the Sahrawi refugees.

In October, a three-member delegation of Australian Unionists visited the Western Saharawi refugee camps in the Hamada desert, South West Algeria. Green Left Weekly's Margarita Windisch spoke with Sid'Ahmed Tayeb, the minister of public health for the exiled Saharawi Arab Democratic Republic, in 27 February refugee camp.



Graph - 6 A Stunting Projection

Stunting was present in 32.8% of the children (95% CI: 29.7-36.1), including 11.2%

(95% CI: 9.2-13.5) severe stunting. After a significant improvement between 1997 and 2001, probably partly due to distribution of micronutrient enriched food, stunting has remained stable (see graph).

2.5.1.3 Repatriation of Refugees and Threat of Landmines/UXOs.

The repatriation of the Saharawi refugees to Western Sahara to vote in the referendum has been amongst the sticking points of the OAU-UN Settlement Plan. The main concern for the refugees has been their security in the territory. Anxiety stems from the large military presence (some 65,000 members of the security services) that would continue to exist during the voting period, as well as from the history of



Morocco's repression against the indigenous population. Ideas to repatriate the refugees initially to the liberated zone have also been problematic. Firstly, there is a very limited infrastructure, and the logistics of providing food and water for over 129,000—the number of refugees pre-registered for repatriation—would be a huge burden on Polisario resources. The refugees would also be within striking distance of the Moroccan troops behind the defensive wall. Indeed, in a last-ditch attempt to prevent the implementation of the cease-fire in 1991, Moroccan troops and planes bombed sites in the liberated zone, where the Polisario had built schools and a hospital in preparation for the referendum. On a chronic and pervasive level, the question of landmines remains an endemic obstacle to repatriation. After years of colonial and post-colonial conflict, mines and unexploded ordinance (UXO) litter the territory. The UNHCR estimates there may be up to 10 million landmines in Western Sahara. The most mine-affected area is thought to extend 10 km east of the Berms; and the location of UXO, found throughout the whole of Western Sahara, is largely unknown. To complicate matters more, the desert conditions of sand, wind, and occasional heavy rain make mine-shifting a constant phenomenon. The scale of the problem is huge, and MINURSO have not had the adequate funding, expertise, or equipment to tackle the situation effectively. The uncertainty of the political process has affected efforts too. For a brief period, after Baker revived the Settlement Plan in 1997, there was a small flurry of mine clearance and mine-awareness projects initiated in Western Sahara and the refugee camps. Norwegian Peoples Aid provided mine-awareness education for some 90,000 Saharawi refugees over two years, and the Swedish Demining Unit did a two-and-a-half month stint with MINURSO. Morocco and the Polisario also agreed, in 1999, to fully co-operate with MINURSO to provide all available data on mines and assist in addressing the situation, including mine-disposal operations. The non-governmental Saharawi Campaign to Ban Mines (SCABAM) was established in early 2000 to monitor and document the situation. Initiatives so far have fallen way short of requirements; yet no further landmine-related activities by NGOs have been pursued since 2000. The Global Landmine Survey initiative (a group of mine action-related NGOs and the UN Mine Action Service), which deemed Western Sahara a

top priority to survey, never followed up on a preliminary visit made in 1999. Under the present circumstances, the repatriation of Saharawi refugees remains highly risky, if not improbable. The UNHCR have clearly indicated that without proper prior mine clearance it would be impossible to run a smooth repatriation operation⁴⁰.

2.5.2 The Economic Cost.

The Sahrawis in Polisario-Controlled Territories.

The economic cost of the conflict is without doubt the most difficult to measure due to the absence of reliable data. However, a number of issues should be considered. The widespread planting of landmines, mentioned above, has had a significant economic impact. According to my research: *Numerous parts of the territory under Polisario control were given up because of the presence – or suspected presence – of mines or unexploded ordnance.* This has an economic consequence in that pastoralism, which is one of the foundations of traditional Sahrawi economy, is obviously forbidden in these zones and is rigorously avoided by the population. When a person or vehicle has the misfortune of setting off a landmine, the whole zone is then declared out of bounds, as is any grazing land or wells therein.⁴¹ In addition, Sahrawi refugees are highly dependent on international aid, which, as highlighted by the “Motion for a resolution on humanitarian aid to Sahrawi refugees”,⁴² has reportedly diminished and become very irregular. This assessment is shared by agencies such as the World Food Programme (WFP), which stresses that the population regularly suffers from acute food shortages.⁴³ The problem, recurrent since the beginning of the 1990s, hit with intensified gravity in 2005 when WFP and the Office of the United Nations High Commissioner for Refugees (UNHCR) declared that the number of people entitled to assistance would thereafter be reduced to 90,000 from the original 155,000 (158,000 in 2004). This decrease of more than 40 per cent attracted considerable and often contradictory commentary. Morocco saw the reduction in the target population as confirmation by the major UN agencies that the number of Sahrawi refugees had been overestimated and that part of the aid had on occasion been siphoned off by the Algerian army or by Polisario leaders, chiefly to subsidize the SADR. This aid, principally in the form of foodstuffs,⁴⁴ medicine and machinery, was reportedly “regularly sold by means of networks in the Algerian south (Tindouf, Bechar, Laabadla, Oum Laassal, Adrar) and in the Mauritanian north (Bir Mogrein, Aïn Ben tili, Lehfira, Zouerat, Nouadhibou, Choum and Atar), and even in Nouakchott”.⁴⁵ Polisario and Algeria strongly disputed this interpretation:

*The current situation is deplorable; the back-up stocks of basic commodities are exhausted. The UN agencies say that there are no more donors. It's usually support from Algeria and ECHO [the European Commission's humanitarian aid agency] that enables budget targets to be reached. The tales of embezzlement are unproven: an inquiry by the World Food Programme showed that 2 per cent [of aid] was lost. The Sahrawi camps are the best organised in the world, with a rotation of officials. Are Moroccan authorities' repeated claims of embezzlement responsible for the international community's current lack of interest? It's a question that I ask myself.*⁴⁶

Neither the WFP nor UNHCR offered a reason for their downward revision. Rather than referring to a “target population” they now refer to the “most vulnerable populations”, without ever clearly explaining the difference between their data and that offered by the Polisario and Algeria, whose numbers they frequently continue to use in their own official documents. Different UN agencies have long complained of being unable to conduct a proper refugee census. In Mauritania, notably in the town of Zouerate, evidence gathered in 2002 suggested the presence of items originally sent as part of international aid packages to the Sahrawis, thereby indicating the possibility of aid embezzlement.⁴⁷ However, according to a French researcher:

One should be wary of these words. It is true that some of what is provided is resold, notably in Algeria or Mauritania. But, on the one hand, it is quite a marginal amount and, on the other hand, items that are resold in order to purchase other goods, principally to vary one's diet, cannot be considered embezzlement or trafficking.⁴⁸

The Sahrawis in the Moroccan-Controlled Territories

In these areas, too, the precise economic cost is very difficult to measure, as it is necessary to compare the current situation with what would have occurred without the Moroccan presence. Nonetheless, two observations are necessary. On the one hand, like their brethren on the other side of the wall, the Sahrawis (for the most part nomadic people practising pastoralism and trade) have become settled as a result of the fighting, the existence of mined areas and the construction of the Berm, but equally because of a Moroccan policy that favours sedentarisation and urbanisation. The traditional economy and way of life thus have been fundamentally transformed. Pastoralism has very much become a minority activity, as has trade, owing to difficulties in mobility caused by the Berm to the east and the closing of the border with Mauritania between 1979 and 2002. On the other hand, independence activists regularly condemn Morocco's exploitation of Western Sahara's fishing and mining riches as a violation of international law. Among the territory's principal resources are phosphates (extracted at the Boucraâ mine) and the very rich fishing waters off the Sahrawi coast. One of the most significant phosphate production zones exploited by Morocco, after Khouribga and Gantour, is the Boucraâ mine. According to the Office chérifien des phosphates, the agency charged with managing Morocco's phosphate resources, its annual capacity is 2.4 million tons, with reserves of 1.13 billion cu. m⁴⁹ The extracted ore is transported to Laâyoune on a 100-kilometre-long conveyer belt. The Saharan fishing grounds account for a major part of the kingdom's fishing industry. Small-scale inshore fishing in the Western Saharais carried out by a fleet of some 3,400 boats that brought in some 700,000 tons of fish in 2005, valued at two million dirhams (around \$242 million), four times more than ten years before.⁵⁰ Most of the merchants come from the north of the country, and Moroccan soldiers have made a fortune by obtaining and then reselling fishing licenses⁵¹. Separatists also denounce the 2005 fishing agreement between Morocco and the European Union as illegal, insofar as the kingdom's sovereignty over this stretch of coastline is not internationally recognised.



MOROCCO's Interpretation of Cost.

The very notion of an “economic cost” is sharply disputed by Morocco, which considers all funds spent in the Western Sahara as an investment. Still, although difficult to quantify, rising security costs, clearly linked to the ongoing conflict, are extremely high. They grow in particular out of the construction of the 2,500 kilometre-long Berm, equipped with radars and other sophisticated electronic surveillance devices and requiring 130,000 soldiers to guard it.⁵² Given that the Moroccan Royal Armed Forces comprise approximately 250,000 men,⁵³ it can be roughly estimated that around half the kingdom's military budget is devoted to the Western Sahara.⁵⁴ According to evidence gathered in Morocco, tens of thousands of additional personnel more or less directly linked to the maintenance of order and security also should be counted. However, a Moroccan journalist maintains that these costs must be put into perspective:

...because Morocco receives a lot of help from countries in the Gulf, driven by “dynastic solidarity”. For example, the recent purchase of weapons from Spain and the likely purchase of aircraft from France reportedly will in part be paid for with Saudi help.⁵⁵ Morocco also has invested over \$2.4 billion in basic infrastructure over the past 30 years, including “two airports (Laâyoune and Dakhla), three airfields (Guelmim, Tan Tan et Essemara), four sea ports (Tan Tan, Tarfaya, El-Marsa-Laâyoune, Dakhla), 10,000 kilometres of road – 35 per cent of which has been paved – and a rate of connection to electricity and drinking water in the region of 82 per cent”.⁵⁶ More broadly, investment projects in the region during the period between 2004 and 2008 amount to \$870 million. The question is whether this ultimately represents an opportunity cost for Morocco, insofar as spending on the Western Sahara inevitably has come at the expense of the development of other regions, many of which suffer from poverty and insufficient state investment. The economic burden is made heavier by the fact that bonuses are granted to Moroccan civil servants sent to the Western Sahara. They enjoy a raise in salary of 25 to 75 per cent and, in addition, have access to subsidised basic commodities (food and others), benefits the government justifies by invoking the long distances and harsher living conditions involved⁵⁷. Additionally, people from the north who come to settle in the Sahara enjoy numerous tax exemptions.⁵⁸ Finally, “the lifelong allowances paid to some eminent Sahrawis must be taken in account, notably for the most prominent ralliés”.⁵⁹ All in all, for more than 30 years, several percentage points of Morocco's annual GDP have been absorbed by the conflict. For Fouad Abdelmoumni, “the cost of this issue is quite simply Morocco's non-development”.⁶⁰

2.5.3 The Political Cost.**The Sahrawis in Polisario Controlled Territories.**

Since the outset of the conflict, the Polisario's command structure has remained static, as have those of the SADR. Mohamed Abdelaziz has been head of the Polisario and president of the SADR since 1976, and a sizable part of the Polisario's leadership is made up of its “historic” figures, leaving little room for a new political elite. This situation, which is due in part to the failure to reach a settlement as well as to the realities of exile, has led to what many Sahrawis denounce as the concentration of power in the

hands of a few, political stagnation and lack of transparency, all of which are blamed for the defection of some members of the Polisario and SADR. On 31 October 2006, Baba Sayed, the brother of El Ouali Ould Mustapha Sayed, the Polisario's first secretary general, expressed serious misgivings about the current leadership:⁶¹ Many Sahrawi cadres, alongside hundreds of simple soldiers, fled to Morocco because they could no longer stand the chaotic, static, and unjust status quo... Some even say that this exodus towards Morocco and other destinations suits the Polisario's leadership and that, in some way, they encourage it. This is because the Polisario's leadership refuses to change its practices, review its policies and positions, or respond to the totality (or at least the majority) of its critics' claims – admittedly increasingly numerous and demanding – and therefore has opted for the *politique du pire* (politics of the worse).⁶² The criticism extends to the moral integrity of the leaders, who are taking advantage of their status for personal gain and/or to help their allies. The concentration of power is sometimes also denounced as tribal in nature – particularly with regard to the predominance of the Rguibat (or more precisely of certain factions within the tribe)⁶³ – which leads to *clientelism*, particularly concerning the distribution of international aid. Moreover, a recent United Nations High Commission for Human Rights report suggested that the Sahrawi leadership denied certain refugees the right to visit their families on the other side of the wall;⁶⁴ in 2003 Amnesty International made a similar observation. One's freedom of movement, in short, appears to depend on one's loyalty to the leadership. The internal debate took a more organised and political turn with the 2004 creation of the Front Polisario Khat al-Shahid.⁶⁵ Under the slogan "Only one hero: the people; only one leader: the martyr", this still little-known organisation was formed by the European Sahrawi diaspora, as well as by those in the camps at Tindouf and the part of Western Sahara controlled by Morocco. In a text entitled "A Call to all Sahrawi Nationalists", the Khat al-Shahid denounced the Polisario's autocratic and *clientelist* drift:

Point n°9: The charade of the Congrès Populaires has become patent; its [Polisario's] aim is to hold on to power and resist all attempts to build a more participatory way of running citizen affairs.

Point n°10: The exploitation of positions of responsibility by certain members of the current leadership for personal ends and the absence of any accountability.

The controversy became fiercer still when, on 1 June 2006, protests erupted in the wake of an arbitrary arrest.¹¹⁵ ⁶⁶The Moroccan press, of course, largely echoed these dissenting voices. However, columnists, with only a few exceptions, only mentioned Khat al-Shahid's attacks against the Polisario leadership, neglecting the fact that it also denounced the movement's defeatism and lack of initiative. The call emphasised, in particular:

1 – The use of a defeatist, defensive and negative discourse as opposed to a positive, offensive one;

2 – Weakness before the UN and the fact that the enemy has offered the latter the possibility to continue its intransigence and blocking tactics;

3 – *The loss of any initiative, which has led us to be at the mercy of events, even though they came about as a result of the blood of our martyrs and our sacrifices;*

7 – *The planned annihilation of the Sahrawi military force despite its being the crucial element in order to end the conflict.*⁶⁷

This radicalisation of the Sahrawi population represents another political cost of the impasse. Therefore, while denouncing the lack of “political breathing space” and leader’s resistance to internal reform, the Khat al-Shahlid, which claims to be a component of the Polisario, adopts a far more militant position and does not rule out the possibility of resorting to arms to “unblock” the situation. Khalil Ahmed, responsible for human rights in the SADR, implicitly recognises this: “The Sahrawi population is disappointed and exasperated. It no longer believes in the UN. The Polisario is experiencing strong pressure from the rank and file, but its leaders know what war is and we want to avoid it”.⁶⁸ At a February 2007 press conference attended by Crisis Group given at the close of ceremonies marking the 31st anniversary of the SADR’s founding, another Sahrawi leader, Mohamed Sidati, made no attempt to conceal this pressure: “As a result of deliberate attempts to exacerbate the situation, led by certain actors in the conflict and as shown by the recent sale of arms to Morocco by Spain, the situation is becoming irreparable”.

The Sahrawis in Moroccan Controlled Territories.

The perpetuation of the conflict and the tensions generated among Sahrawis has contributed to increased resentment towards the Moroccan state and those Sahrawi elites considered being its accomplices. At the heart of Sahrawi society, frictions have emerged between, on the one hand, a pro-Moroccan bourgeoisie and, on the other, an economically fragile middle class as well as a burgeoning urban underclass. This latter group, unemployed and in effect denied the benefits afforded to the elite, believe that the region is being developed without them. As one Moroccan newspaper remarks, “urban politics in the Sahara has essentially been centered on the enrichment of a bourgeoisie allied to local representatives of the state.... This intrusion by representatives of the Moroccan state in a speculative market is resented by the Sahrawi middle class, which sees it as another benefit from which they are excluded”.⁶⁹ This feeling of marginalisation and dispossession can also be explained by the influx of populations from the north. In certain towns, such as Laâyoune (El Aaiún), the Sahrawis have become a minority living in the poorest and most heavily monitored areas which have become “ghetto-like”.⁷⁰ The area’s rapid urbanisation (the fastest in the country) cannot be explained by the sedentarisation of nomadic populations, which by now has largely been completed,⁷¹ nor by mere demographic growth. Rather, it is due to the arrival of new inhabitants. Some Sahrawis denounce this “colonisation”, which marginalises native populations both economically and demographically. In the absence of a settlement to the conflict, Morocco has engaged in *clientelist* practices, stirring up tribal tensions at the heart of Sahrawi society by favouring its most docile elements. Even among the most “loyal” tribes, disputes arise due to large disparities between tribal elites favoured by the state (by means of lifelong allowances, the allocation of import and fishing licenses,

permission to sell oil, access to the lucrative property market and so on) and the rest of the population. As a Moroccan newspaper writes “in managing the elites, the interior minister has granted allowances and wealth according to affiliation and the tribes’ degree of loyalty”.⁷² The conflict also hinders the establishment of genuinely representative institutions. Created in 2006 by King Mohamed VI to play the role of intermediary between the Sahrawi and the Moroccan state as well as to be a consultative authority on questions concerning the Southern provinces (in particular the autonomy plan), the Conseil Royal Consultatif Des Affaires Marocaines (CORCAS, Royal Consultative Council on Moroccan Affairs) is composed of 140 members selected by the king, of whom fourteen are women. Although its president, Khallihena Ould Errachid, claims the council is representative because “it represents all tribes proportionally and includes sheikhs, young leaders, businessmen, women, members of civil society and even former prisoners”,⁷³ none of its members favours independence, “which is a curious kind of representatives”.⁷⁴ CORCAS’s first year has been marked by serious problems: some members accused its president of ignoring them.⁷⁵ For the time being, the institution has only very imperfectly fulfilled its role. For El Kanti Balla, “*the people at CORCAS are not credible because they are not representative. The people who control it are those the Moroccan state has pressured for decades in order to control Western Sahara*”.⁷⁶ According to Rabat, Morocco’s proposal for “Saharan autonomy”⁷⁷ presented to the UN Security Council on 11 April 2007 is the result of a consultation process with Moroccan political parties and takes account of proposals formulated by CORCAS. However, according to a Moroccan journalist, “it should be emphasised that CORCAS was totally excluded; it wasn’t really associated with the autonomy plan. Some of its members heard of its plans from press reports. The final document was concocted in the palace by a small team, which was to present it in various Western capitals”.⁷⁸ Abdesselam Ouazzani, director general of the Istiqlal party headquarters, told Crisis Group that his party had offered its text alongside that of the Union socialiste des forces populaires (USFP, Socialist Union of Popular Forces) during the consultation process. The text emphasised three essential principles – “national sovereignty, attention to local circumstances and substantial autonomy” – but they never “found anyone with whom to really negotiate”.⁷⁹

The Moroccans.

For the Moroccan government, the costs of the impasse are essentially diplomatic. On the one hand, non-recognition of its annexation of the Western Sahara has had a greatly damaging effect at the international level, with Morocco opting to resign from the Organisation of African Unity on 12 November 1984 in protest against the SADR’s admission. In so doing, Morocco excluded itself from the continent’s principal organisation and initiated a long-lasting state of isolation from the African continent, in addition to halting relations with states that recognised the SADR. Its image on the continent was tarnished, with many countries viewing Morocco as an occupying power. The number of countries that recognise the SADR has decreased since the 1991 ceasefire; still South Africa broke ranks in 2004 as a result of Morocco’s rejection of the Baker plan. This was a significant blow to Rabat, coming in the wake of its relatively

successful efforts since the early 1990s to nurture relations with African countries. More importantly, Morocco has to live with the consequences of its difficult relations with Algeria, particularly opportunity costs in the economic, commercial and even security sectors. The perpetuation of the conflict has also stymied regional cooperation – namely, the Arab Maghreb Union – and therefore prevented Morocco from addressing security, economic and diplomatic issues together with its Maghreb partners. There also are costs to Moroccan citizens. For reasons linked to the conflict, the authorities have devoted considerable investment to the “Southern provinces”, often at the expense of the rest of Morocco. This has led to a development gap of which one outgrowth is the presence of slums, which have become hotbeds of salafism. Fouad Abdelmoumni also emphasises that the conflict has helped shape political life:

*We have witnessed over recent years the impoverishment of Moroccan political life; the opposition has lost its backbone; nobody denounces major human rights violations in the south. These regions have become rights-free zones, where fiscal law is not applicable, where subsidies are distributed to a Sahrawi elite and to administrative and military notables. They are offered farms, fishing licenses and other advantages. In addition, this region has become a notorious area of contraband trade.*⁸⁰

The impasse is, from Morocco’s point of view, clearly preferable to a solution that would contradict its long-held principles. But a realistic appraisal of the cost the kingdom continues to pay is needed, and might steer it towards a more flexible and imaginative approach to resolving the conflict.

2.5.4 The Cost for the Region and the International Community.

Algeria.

Although Algeria has always maintained that the Sahara question is a matter of principle, the cost of which cannot be calculated, it clearly has paid a significant price in terms of its own security. The conflict fuels a major source of tension on its western border, requiring the presence of several tens of thousands of soldiers in the Tindouf region.⁸¹ Since the Sand War⁸² and the Western Saharan conflict, Algerian security analysis, as well as the military strategies taught through the ranks, remains focused on the threat of an attack from the west. The closing of its border with its most important neighbour also has increased the costs borne by Algeria. These include the support it grants to the Polisario and the SADR in terms of weapons, food aid, and budgetary and financial support; particularly in light of the reduction in international assistance of the past few years. Another significant economic cost stems from Algeria’s inability to take advantage of the Gara Djebilet iron reserves so long as the Western Sahara conflict, and, more generally, tensions with its neighbour Morocco remain unresolved. The need to build a second gas pipeline to Spain (Medgaz)⁸³ which, unlike the first, will not pass through Moroccan soil but will link Béni-Saf in Algeria to Almeria in Spain, will also represent a heavy financial burden.⁸⁴ The significant diplomatic investment made by Algeria also must be taken into account, insofar as Algiers has had to expend resources to support the SADR internationally and ward off Morocco’s contrary efforts. This is all the more true today given that Washington, Paris and Madrid have joined in the belief

that Western Sahara's independence could destabilise Morocco and, therefore, in their opposition to Algeria's stance.

Mauritania.

The situation looks different from the perspective of the Islamic Republic of Mauritania. Initially allied to Morocco, then militarily humiliated by the Polisario, Nouakchott already has paid a heavy price for this conflict, which was one of the principal causes of the 1978 military putsch that drove out President Moktar Ould Daddah.⁸⁵ Since then, this neighbouring conflict zone has forced the country into two delicate balancing acts: above all in its foreign policy, as Mauritania has slowly moved to "positive neutrality", in which it proclaims no official preference for one side or the other and allows the Polisario to move freely through the north of its territory; and a domestic balancing act because Mauritanian society includes partisans of both sides in the Sahara conflict and a move towards one (Moktar Ould Daddah, who was pro-Moroccan) or the other (Mohamed Khouna Ould Haïdallah, who was pro-Sahrawi) tends to set off significant political problems.⁸⁶ Today, despite the significance of this issue to the country, therefore, it is carefully concealed behind a consensual façade. Mauritania also has had to face the risks posed by anti-personnel and anti-tank mines. The head of the country's demining effort, Ahmed Salem Ould Ahmed Salem, has said that three wilayas (governorates) are directly affected: Adrar, Dakhlet Nouadhibou and Tiris Zemmour.⁸⁷ Should the status quo last for a long time or should the conflict be settled to the Polisario's detriment, a large number of Sahrawis might be tempted to relocate to Mauritania, as they have begun to do over the past few years. This would pose a real humanitarian problem and reignite internal political tensions, notably tribal, as some Mauritaniens already resent the Rguibat's growing role, especially in the economic arena.⁸⁸

The Region.

It is of course difficult to measure precisely the influence of the Western Sahara conflict on inter-Maghreb disputes. The conflict certainly hinders regional development, leading some to speak of a "non-Maghreb", which economists and development experts deplore. The loss of earnings due to the Arab Maghreb Union's failure is on the order of 2 per cent of average annual GDP for each country – Algeria, Morocco, Tunisia, Libya and Mauritania.⁸⁹ Trade with other Maghreb countries represents on average only 2 per cent of foreign trade for each of these countries. Although the five countries possess genuine economic complementarities, they engage in virtually no trade. For Tunisia, for example, this might well result in the failure to create some 20,000 jobs a year.⁹⁰ The lack of integration also puts the brakes on foreign direct investment in a region of 100 million consumers. This is another significant loss, on the order of \$3 billion for the region as a whole.⁹¹ The region also suffers from a real deficit in terms of telecommunications infrastructure, which further frustrates economic advances. Because they are divided, the countries of the Maghreb cannot speak in a common voice in international negotiations, including as part of the Euro-Mediterranean Dialogue, and cannot defend their shared interests. The lack of close cooperation on security issues is also notable. Although there

is no evidence of structural links between the region's different radical Islamist movements, particularly between Moroccan and Algerian salafi jihadists, some connections have become evident (such as the presence of members of the Salafist Group for Preaching and Combat (GSPC)⁹² in Mauritania at the time of the June 2005 attack on the Lemgheyti fort).⁹³ Furthermore, the parties use and manipulate the issue of terrorism against one another: Morocco accuses the Polisario of having links with al-Qaeda,⁹⁴ Algeria suggests Rabat finances its own armed Islamist movement.⁹⁵ The issue of illegal migrants – some of whom cross the Sahara – is another painful reminder of the lack of cooperation. Finally, one must mention the significant expansion of illegal trafficking in the Western Saharan territories, south east Algeria and northern Mauritania. The Mauritanian section of *Défense des Enfants Internationale* recently sounded the alarm over the large amount of imported cigarettes in Mauritania: “The quantities of imported cigarettes in Mauritania exceed the amount imported into Morocco, despite having nearly ten times fewer people”.⁹⁶ Mauritania has become an international hub in illegal cigarette trafficking; much of it headed towards Algeria. This traffic could not be as significant without the complicity of people close to power centres in Nouakchott, to the Polisario or to the Algerian army. Recent press articles also have described the implication of Moroccan officers in international drug trafficking through Moroccan-controlled Western Sahara.⁹⁷ All told, the region has become a transit area for a range of goods (cigarettes, drugs, arms and fuel), implicating political and military officials on all sides. This trafficking and the corruption it entails will continue to flourish at least as long as the Western Sahara conflict continues.

The International Community.

The principal cost borne by the international community has been its support since 1991 for the United Nations Mission for the Referendum in Western Sahara (MINURSO), roughly \$45 million per year. This does not take into account the cost of the workings of the Security Council, the different special envoys of the UN Secretary-General, and international aid for the Tindouf camp refugees, including that disbursed through the World Food Programme (expected to be \$11 million in 2007) and the High Commissioner for Refugees (at an average of \$3.5 million per year since 1991). Arguably more significant than the economic costs are the symbolic ones. The UN continues to fund MINURSO, initially set up to prepare a referendum, a project that is today all but dead. MINURSO has instead turned away from its initial mission and become a ceasefire monitoring force. The complete impasse since 1991 over one of the oldest conflicts dealt with by the organisation has heavily damaged the UN's credibility.⁹⁸ Europe too should be concerned about this unresolved conflict which has helped give rise to a significant and dangerous zone of illegal trafficking (notably in terms of immigration and terrorism). Furthermore, the dispute between Algeria and Morocco continues to complicate the policies of Western countries (particularly France, Spain and the U.S.) who are committed to the kingdom's stability yet do not wish to alienate Algeria. The balance between the two aims appears to have eroded over time, and the current tilt towards Morocco is directly linked to increased tension with Algeria.

The dilemma of U.S. France and Spain.

Why can't Morocco's allies, particularly France, Spain and the United States, put pressure on Rabat to move the referendum issue forward and end the human rights abuses? Olaia Sagredo, a Spanish spokeswoman for The Association for the Families of Sahrawi Prisoners and the Disappeared, sees several reasons: *'Whenever France and Spain become too vocal, Morocco simply threatens to open the floodgates and let North African immigrants stream into Europe. This terrifies them and they do everything they can to placate Rabat,'* she explains. *'As for the US, they see Morocco as one of their few allies in the Arab world, particularly in the fight against terrorism, and they won't risk damaging the relationship.'*

A final reason is based on economic expediency. Western Sahara is one of the world's leading phosphate producers and, in negotiations during the Madrid Accords; Spain ensured it would retain a large stake in the industry. To alienate Morocco and be denied access to the phosphate mines would be an enormous blow to Spanish interests.

Africa's Wars as Sources of Refugees and Internally Displaced Persons, 1992

War	Refugees	Displaced persons
Mozambique	1,725,000 ^a	3,500,000
Somalia	864,800 ^a	2,000,000
Ethiopia and Eritrea	834,800	600,000
Liberia	599,200 ^a	600,000
Angola	404,200	900,000
Sudan	263,000	5,000,000
Rwanda	201,500 ^a	350,000
Sierra Leone (de-stabilized by Liberia conflict)	200,000 ^a	200,000
W. Sahara	165,000 ^b	
Chad	24,000 ^a	
Totals	5,281,500	13,150,000

Source: U.S Committee for Refugees, World Refugee Survey, 1993 (Washington, D.C.: U.S. Committee for Refugees, 1993), 52.

^aIndicates that sources may vary significantly in number reported (*World Refugee Survey*).

^bThis is the number given by the Algerian government and used by relief agencies. The U.S. government estimate has been 50,000.

Table 4

2.5.5 Latest Development in Western Sahara Conflict.**2.5.5.1 The Autonomy in Western Sahara (new Moroccan perspective).**

Morocco has just put the first stone for the autonomy of Western Sahara, With negotiations on the conflict completely pending in that the UN appoint a new special

envoy for the region; King Mohamed VI announced last 6th of November 2007 in a historical speech to the nation the start of a program of administrative decentralization that has been dubbed as "advanced regionalization plan " It applies to the sixteen provinces in which the country is divided now, but will start by Western Sahara, a territory that Moroccans considers its own without any doubt. More decentralization means more autonomy. Rabat advocates the Sahara as a prerequisite for negotiations with the separatist Polisario Front backed and controlled by Algeria. This' road map make Morocco more confident in his straight and undoubtedly democratization process, as Algeria is blocking all political solution for this artificial regional problem which has become one of the major stumbling blocks in the talks. Neither side wants to cede ground nor three decades after the start of the conflict, the territory remains in dispute. *"Undoubtedly, the plan is an obstacle to the Polisario"*, recognizes Bida Hussein, president of the Human Rights Commission of the Royal Consultative Council for Saharan Affairs (CORCAS). *"But it's a step forward for the Saharans living in southern Morocco,"* adds Bida, who for years campaigned in the ranks of the Polisario blinded by Algerian propagandistic pro cold war ideology, but today belongs to a group of Sahrawi who advocate independence as the only viable exit to the conflict. *"We will benefit. It is a part of the solution "*, notes from Laayoune, the administrative capital of Western Sahara. The Polisario has not slow to react to the plan announced by Morocco. Mohamed Abdelaziz (Moroccan National born in Marrakech), and auto proclaimed president of the Saharan African Republic, pushed by Algerian military junta has accused Morocco of trying to sabotage the negotiations, and complained for the new status granted by Europe to Morocco. The new initiative is not yet fully shaped. Since the Government suggests that the regions will have new financial and human resources to gradually assume more powers. Its length will be determined by a commission appointed by the king in whom there will be representatives of political parties. However, as pointed out by the monarch himself during the speech in which he announced the new plan, autonomy will only proceed *"once it has been the subject of a political compromise and that the UN has adopted as a final solution to the conflict."* The positions of Rabat and (Algiers) represented indirectly by the Polisario remain distant. Following the departure of Peter Van Walsum, the last UN special envoy for Western Sahara, the negotiations remain suspended. The credibility of the Dutch diplomat fell out in favor of the pro-independence after a high level lobbying campaign to discredit him carried by Algeria, finally he decided to demit of his function as he found out that Algeria was using all her diplomacy weight to stop him, The Special envoy of Ban ki-moon has acknowledged that independence was unattainable. The solution is in Algiers as many influent politicians from great powers claims, Algeria get another failure again in the fourth commission of UN when used all her (gaz) pressure diplomacy to provoke a mind change after the 1813 UN resolution which is (the impossibility of independence, and UN asked the Separatists for Realism.

2.5.5.2 Important Recent Events in Western Sahara.

European Union.⁹⁹

On 12 May 08, The European Commissioner for external relations and neighbourhood policy, Benita Ferrero-Waldner, affirmed in an interview to the French daily "La Croix", published on 10 April, that the agreement on granting to Morocco "advanced status" could be finalised under the French presidency of the EU, which will begin in July 2008. "Advanced status" defines relations between the EU and frontier countries, within the context of the new European policy of neighbourhood, installing a closer cooperation between the EU and the countries of the southern Mediterranean and the former Soviet Union. The Polisario Front considers that such a status should require the respect of human rights and international law, from which Morocco is far from attaining. On a visit to Morocco on 17 and 18 April, the French Prime Minister declared that France is determined to help Morocco obtain "advanced status".

Referendum.

On 12-13 April 08, in Spain¹⁰⁰, the 12th conference of parliamentary intergroups "Peace and Freedom for the Saharawi people" took place in Santiago de Compostella, with the participation of over 60 members of autonomous parliaments. In a "Declaration Santiago" the intergroups ask for the implementation of the referendum of self-determination and the end of repression in the occupied territories.

International Parliamentary Colloquium.

On 26-27 April 08, in Algiers, an international parliamentary colloquium on "Self-determination of peoples, vector of peace and development" was organised in the seat of the National Popular Assembly on the initiative of the parliamentary group of friendship and fraternity between Algeria and Western Sahara. About fifteen foreign delegations from Europe, Latin America and above all Africa, as well as members of Algerian civil society want to draw up a "strategy with practical steps" of support for the Saharawi people to "go beyond statements of principle". An African inter parliamentary group of solidarity with the Saharawi people was created and a "founding declaration" was signed by parliamentarians from Algeria, South Africa, Malawi, Mali, Mozambique, Namibia and Niger. The group wrote to the Security Council to ask it to organise a referendum of self-determination.

2.5.5.3 Human Rights Violation in Occupied Territories and Southern Morocco.

Demonstrations, Arrests, Repression.¹⁰¹

A sit-in for self-determination, organised on 27 March 2008 by a group of young Saharawis in the Almatar quarter in El-Ayoun, was violently dispersed. Bullahi

Mohamed Bachri, a student born in 1990, was tortured for four hours before being released. He gives a detailed description of the methods used.

On 04 April 08, Abdalahi Zoubeir, a Saharawi of 55 years, who has held various posts in the administration of El Ayoun, announced in Madrid that he sought political asylum in Spain because of the repression in the occupied territories. Zoubeir defected to Morocco in 1989 after having lived in the refugee camps near Tindouf. For several years the Moroccan authorities gradually released him from his duties, giving him no reason to have confidence.

On 08 April 08, at El-Ayoun, the police forces stopped a meeting of trades union members of the workers of the National Promotion (job-seekers) by mishandling and arresting several people. 15 people were wounded and 5 arrested. The Saharawi president, Mohamed Abdelaziz, on 10 April drew to the attention of Ban Ki-Moon, "his grave concerns".

On 18 April 08, at El-Ayoun and Tan Tan, the police arrested Omar Lafkir, a student of 22 years, who went to a police station in El Ayoun to collect some documents. He was taken to Tan Tan on the pretext that they were searching for him in that locality. According to his relatives, the arrest was in relation to the demonstrations of 26 February and the death of a Moroccan policeman. Omar is the brother of Lahsen Lafkir, in prison in Inzegane.

Disillusion.

On 20 April 08, at El-Ayoun the inhabitants of Al-Wahda camp protested during the visit of a delegation presided over by the Moroccan minister of the interior, which had come to supervise the allocation of the first plots of land. They asked for a revision to increase the promised allocation and enough time to construct their new dwelling, whereas the authorities wanted to demolish the shanty town immediately. This population, brought from southern Morocco at the time of the promised referendum in 1991, has been sheltered for 17 years in insalubrious sheds. The demonstration on 19 was tolerated, that on 20 was brutally dispersed by the police. In a letter to the UN Secretary General, Ban Ki-moon, the Saharawi president denounced the "savage intervention perpetrated by the Moroccan forces of repression against Saharawi citizens".

2.5.5.4 Latest on Natural Resources Dispute Oil.

The company, San Leon (Morocco) obtained from ONHYM a 12 month extension for its exploration permit in the Zag basin starting from The partners in this joint venture are San Leon Limited (50%), the operator; GB Oil and Gas Ventures Limited (registered in Jersey, 30%) and Island Oil & Gas plc (Ireland, 20%)¹⁰². The first contract dated from December 2006. WSRW warned the company about the illegality of the contract. In November 2007, Island Oil & Gas plc announced that its Moroccan branch, Island International Exploration Morocco, IEM, had just signed with ONHYM, seven

exploration contracts in the on-shore region of Tarfaya, valid for 8 years. IIEEM joined up with the operators, Longreach Oil and Gas Ventures Limited (30%) and San Leon Limited (Morocco, 30%). These contracts were approved on 11 April 2008 by the Energy Minister; they took effect on 14 January 2008.

Fishing.¹⁰³

The new partnership agreement on fishing (APP) between Morocco and the European Union, which took effect in March 2007, was at the centre of talks between the Minister for Agriculture and Maritime Fishing, Aziz Akhenouch and the European Commissioner in charge of Fishing and Maritime Affairs, Joe Borg. During this meeting the two officials ... reviewed the ways and means of promoting a closer cooperation between the EU and Morocco in the fishing sector.... Borg invited Morocco to participate in the EuroMed conference on an integrated maritime policy, planned for June 2008 in Slovenia.

Tourism.¹⁰⁴

Following the intervention of representatives of WSRW, the Canary Island agency, La Caja Tours, a service of La Caja de Canarias, a financial institution of a social nature, stopped promoting trips to occupied Western Sahara.

Phosphate.

On 19 April 08, a demonstration, organised by the Federación Andaluza de Asociaciones Solidarias con el Sahara (Fandas), la Federación Provincial de Huelva de Asociaciones Solidarias con el Sahara and WSRW to denounce the importation of Saharawi phosphate by FMC Foret and Ership SA brought together over 300 people in Huelva . It is the first time that a demonstration has been organised against the illegal exploitation of the natural wealth of occupied Western Sahara. 28.04.08 A ship, Cake, IMO registration number: 9353216, belonging to Geden Lines (Turquie), flying a Maltese flag, took on phosphate at El Ayoun on 24 April. It is en route for Lyttleton, New Zealand.

2.5.5.5 UN and Its Latest Bids.

According to Polisario-Confidential sources and less than three weeks after the departure of UN secretary-General's Personal Envoy to the Western Sahara, Mr. Peter Van Walsum, it seems that Christopher Ross will be his successor as mediator in the Sahara issue, This appointment



**Latest Appointed UN
Mediator Christopher Ross**

would have been the result of secret negotiations

between Algeria, the United States and Morocco. During the U.S. Secretary of State, "Condi" Rice trip to the Maghreb, the talks about the future personal envoy to the

Secretary General intensified, President Abdelaziz Bouteflika insisting, according to sources close to Mouradia palace, that “Van Walsum” theories (Definitely unfavorable to Algeria) to be avoided by the future U.N. mediator in the Sahara issue. The very skilful ambassador of the United States to the UN, Zalmay Khalilzad probable candidate to the presidency... of Afghanistan, has led the negotiations between Morocco and Algeria and tried to identify a new envoy on what the parties could agree on. It seems that a consensus has been found in the person of Christopher Ross after the name of former Secretary of State Warren Christopher, has been rejected by Algeria (not enough “flexible” ...) Even the experimented U.S diplomat Christopher Ross was criticized by Algiers which fears a certain “tropism” in favor of Rabat because ambassador Ross has been posted in Fès, Morocco.... in the early Seventies.

Secretary General’s Latest Report on Western Sahara Conflict. (14.04.08)

The report recalls the events, activities of the Personal Envoy and the activities on the ground (military activities, anti-mine work, assistance to the refugees, confidence-building measures, human rights, administration of the Mission, acts of vandalism on rock paintings) since 19 October 2007. To be pointed out, even though MINURSO has no mandate on the area of human rights, the Secretary General mentions the reports of the human rights NGOs concerning the various attacks on human rights in the occupied territories. He writes that “*the UN recognizes its duty to uphold human rights standards in all its operations*”. He launched an appeal to donors to contribute to the program of assistance for the refugees, in order to render tolerable their conditions of life, as well as for the confidence-building measures, the continuance of which “*risks being compromised in the absence of new funding*”. The Secretary General considers that it is necessary to “*find the means of getting out of the current political impasse by showing realism and a spirit of compromise*”. “*The consolidation of the status quo is not acceptable*”, he writes, Morocco and the Polisario Front must “*engage in a more intense phase of negotiations and bearing more on the basic questions*” “*without any preconditions*”. He asked to renew the mandate of the mission for six months, namely until 31 October 2008.

Comment on Secretary General’s Report.

M'hamed Khadad, Polisario coordinator with MINURSO¹⁰⁵, warned against any delay which would give Morocco more time to “*establish the plan for the annexation of Western Sahara*”. Khadad considers that “*it is indispensable to widen the prerogatives of MINURSO to include in its mission responsibility for the observance of human rights and to make a timetable for the organisation of a just and fair referendum*”. Ahmed Boukhari, POLISARIO Front representative at the UN, in a declaration published by AWSA on 18 April, declares that the PF has noted with satisfaction the latest report and the recommendations of the SG. The Saharawi ambassador in Algiers, Brahim Ghali, believes “*it is a balanced report, an advance in comparison with previous reports. Morocco notes with interest*” the report of the Secretary General on the Sahara and

reiterates "*its support for the UN Secretary General as well as for his Personal Envoy*". The permanent representative of Morocco with the United Nations, El Mostafa Sahel, communicated on 17 April to the UN Secretary General "*elements of information on the human rights situation in his country and in the Sahara region*"¹⁰⁶.

UN Mission to Western Sahara Renewed in Disputed Resolution.¹⁰⁷

The U.N. Security Council voted to renew the peacekeeping mission to Western Sahara late last night, barely making the deadline to extend the mission to the disputed North African territory after sharp disagreements over the final text. A rift in the council hardened after the U.N. mediator in talks between the Moroccan government and the Polisario Front, a Sahrawi rebel group, said last week that independence for the territory was no longer realistically possible. The vote to renew the United Nations Mission for the Referendum in Western Sahara (commonly referred to by the French acronym MINURSO) was originally scheduled to take place the previous day, but it was pushed back as the Council could not agree on whether references to human rights and "realism" should be included in the resolution. France backed Morocco's position that human rights issues should not be included in the resolution to renew the long-standing mission to Western Sahara. MINURSO's previous mandates did not include a human rights component, and the mission has no personnel dedicated to monitoring human rights violations. However, Human Rights Watch recently released a report that criticized Moroccan authorities for their role in repressing public protests in Western Sahara, which it said Rabat "*administers as if it were part of its national territory.*" Also, both the Moroccan government and the Polisario Front have written numerous letters to the U.N. secretary general alleging human rights violations by the other party in the past six months. The other dispute centered on references to "realism" in the draft resolution. Since the U.N.-brokered 1991 ceasefire between Morocco and the Polisario Front, "realism" has become associated with Morocco's insistence that full independence for the territory is not possible. Morocco believes the final agreement should focus only on autonomy under Moroccan authority, which it says is the only realistic way to resolve the dispute. Morocco's position, however, has been highly criticized by many Western Sahara observers. Frank Ruddy, who previously served as deputy chairman of the U.N. Peacekeeping Referendum for Western Sahara, told World Politics Review that Morocco's "latest autonomy plan is a joke" and would grant the Sahrawi people "*autonomy in everything, except everything that counts.*" South Africa, Panama and Costa Rica argued that the resolution should not refer to "realism" in this sense as they see the Moroccan plan as a violation of international law, according to reporting from Inner City Press at the Security Council on the day before the vote. They pointed to the International Court of Justice's rejection of territorial claims by Morocco and Mauritania to the region in 1975, and previous U.N. resolutions on decolonization and self-determination. Before yesterday's vote, South Africa and Costa Rica argued that if a reference to "realism" was to be included in paragraph two of the resolution, the phrase "within the spirit of international law" should follow it. France and the United States rejected altering the text, as they believed this would weaken the position of Morocco,

their ally in the region. The United States reportedly was ambivalent about the inclusion of human rights issues in the text, but balked when it was tied to the removal of "realism" references. In the end, those backing the Polisario Front on the Security Council caved under pressure from France and the United States. The text of the draft resolution remained, and the measure was passed as Resolution 1813 by unanimous vote at 10:45 p.m. last night. While Costa Rica and South Africa both voted for the resolution, each spoke in dissent before the measure was put to a show of hands. Costa Rica's ambassador said, "*We should not come here to promote the interests of any one part in the conflict,*" implying that the resolution heavily favored Morocco. South African Ambassador Dumisani Kumalo asked what precedent the resolution was setting for other conflicts: "Are we going to say to the people of Palestine that they should accept the reality that they will not achieve independence in the opposition of the powerful state of Israel?" Nevertheless, Costa Rica and South Africa voted for the resolution at the urging of the "people on the ground" in the belief that the compromised text was better than ending the U.N. mission to Western Sahara. On 24 April 08, in Spain, the regional parliament of Galicia unanimously pronounced itself in favour of the "legitimate right of the Saharawi people to self-determination through the organisation of a referendum" in order to reach an "urgent, fair and lasting solution" to the conflict in Western Sahara. The Galician members of parliament called also for the Spanish government to "intensify" its foreign policy to make "international law respected and implement the different resolutions of the United Nations Security Council".

End Notes:

¹ . Given that the same tribes are found in northern Mauritania and in the Western Sahara (primarily the Rguibat), it is difficult to distinguish between "authentic" Sahrawi – those who have dual nationality (Sahrawi and Mauritanian) – and Mauritians who simply consider themselves Sahrawi.

² . Crisis Group interview, Julien Dedenis, a French researcher who works on Sahrawi issues, Tifariti, 26 February 2007. See also Julien Dedenis, *La combinaison socio-spatiale sahraouie réfugiée. Espace de camps de réfugiés ou territoire de l'Etat sahraoui en exil ?* (Université de Nantes, 2004).

³ . For a more complete discussion of the Saharan villages, see Julien Dedenis, "De Tifariti à Tifariti. Périples dans les 'territoires libérés', Sahara Info n° 138, March 2007.

⁴ . The "Sahrawi in Polisario-controlled territories" are found in two separate areas: lands in the Western Sahara controlled by the Polisario (called "liberated Western Sahara" by the Polisario) and refugee camps situated in Algeria but controlled by the Polisario.

⁵ . UNHCR estimated at the end of 2006 that roughly 2,500 people had benefited from the program and that by the end of 2007 a further 2,600 refugees would benefit. UNHCR Press service, 3 November 2006. See www.unhcr.fr/cgi-bin/texis/vtx/news/ opendoc.htm?tbl=NEWS&id=454b229c2.

⁶ . See "Report of the U.S. State Department on the Human Rights Situation in Western Sahara in 2006", at <http://www.state.gov/g/drl/rls/hrrpt/2006/78866.htm>.

⁷ . Between 2004 et 2005, this program allowed Tindouf refugees to make 56,000 telephone calls. UNHCR press service, op. cit.

⁸ . Crisis Group interview, Julien Dedenis, Tifariti, 26 February 2007.

⁹ . Rocky plateau in the Saharan region.

- ¹⁰ . See http://ec.europa.eu/echo/information/eye_witness/2002/2002_02_fr.htm; and Crisis Group interview, M. Ayachi, former director of the Algerian Red Crescent, current president of the Comité National Algérien de Soutien au Peuple Sahraoui (Algerian National Committee for the Support of the Sahrawi People), Tifariti, 28 February 2007.
- ¹¹ . Sahara Press Service wire story, 5 February 2006, <http://www.spsrasd.info/sps-050206.html>.
- ¹² . See El Watan, 13 February 2007.
- ¹³ . The hospital is financed by ECHO (the European Commission's humanitarian aid agency) and supported by the Italian NGO "Terre des Hommes".
- ¹⁴ . The 2006 floods destroyed the homes of more than 12,200 families.
- ¹⁵ . Geneva Call is an international humanitarian organisation created with the aim of encouraging non-state armed actors to respect the ban on anti-personnel mines.
- ¹⁶ . Crisis Group interview, Pascal Bongard, Tifariti, 27 February 2007.
- ¹⁷ . By the end of the 1990s, 35 types of anti-personnel mines and 21 types of anti-tank mines produced by twelve countries had been categorised. "2000 Report of Landmine Monitor", www.icbl.org/lm/2000/country/sahara/index.php3#bookmarks.
- ¹⁸ . MINURSO receives technical assistance from the United Nations' Mine Action Service (UNMAS).
- ¹⁹ . The total is made up in large part from the Polisario's mine stockpiles.
- ²⁰ . The ban only refers to this type of mine, not to anti-tank mines. In addition, the Polisario Front, by signing the Geneva Call, made the commitment to not only cease using anti-personnel mines but also to destroy its stockpile and contribute to the anti-mine effort (demining, assistance to victims, etc).
- ²¹ . Crisis Group interview, El Kanti Balla, formerly "disappeared" Polisario fighter, Paris, 19 February 2007. El Kanti Balla was arrested in 1987 in Moroccan-controlled Western Sahara and spent several years (June 1987 to July 1991) in one of the "secret prisons" in Morocco. He now lives in France.
- ²² . See "Armée. La grande bavarde", Tel Quel n°226. www.telquel-online.com/226/maroc2_226.shtml.
- ²³ . Numerous accounts can be found in the United Nations press release CPSD/315, "La quatrième commission entend des pétitionnaires sur le Sahara occidental", 7 October 2005, at <http://www.un.org/News/fr-press/docs/2005/CPSD315.doc.htm>.
- ²⁴ . See Le Monde, 7 November 2006. A copy of this report was given to Crisis Group.
- ²⁵ . See the 2006 report by Freedom House, www.freedomhouse.org/template.cfm?page=22&country=7106&year=2006.
- ²⁶ . See Amnesty International's 2006 Annual Report, at <http://web.amnesty.org/report2006/>. Morocco adopted a law against torture in February 2006.
- ²⁷ . See, for example, Gaël Lombart et Julie Pichot, "Peur et silence à El-Ayoum", *Le Monde Diplomatique*, January 2006.
- ²⁸ . Crisis Group interview, Ali Omar Yara, co-director of the Ouest Saharien, Paris, 4 February 2005.
- ²⁹ . Crisis Group interview, El Kanti Balla, Paris, 19 February 2007.
- ³⁰ . A tourist town in the Moroccan south east, between the Atlas and the Anti-Atlas Mountains.
- ³¹ . "Report of the Working Group on Enforced or Involuntary Disappearances", United Nations Economic and Social Council, 60th Session of the UN Commission for Human Rights, Geneva, 16 March–26 April 2004, at [www.unhcr.ch/Huridocda/Huridoca.nsf/0/bdaddc96a7c76632c1256e6000460b9b/\\$FILE/G0410397.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/bdaddc96a7c76632c1256e6000460b9b/$FILE/G0410397.pdf). See also, "The 'Disappeared' in Morocco", Amnesty International, MDE 29/01/93, at <http://web.amnesty.org/library/index/ENGMDE290011993>.
- ³² . For example, the Moroccan authorities cancelled the visit of an ad hoc delegation of the European Parliament due to visit Western Sahara on 5 October 2006, *Le Journal Hebdomadaire*, 19 October 2006. They also questioned and deported three Norwegian journalists in 2004, "Maroc - Rapport annuel 2005", *Reporters Sans Frontières*, www.rsf.org/article.php3?id_article=13300.

- ³³ . Notable cases include those of Aminatou Haïdar and Ali Salem Tamek. See “Rapport annuel 2006 pour le Maghreb”, Fédération Internationale des Droits de l’Homme, pp. 40-42. www.fidh.org/IMG/pdf/fidh-imp_maghreb.pdf.
- ³⁴ . Ibid. See also, “Le Maroc ‘découvre’ ses victimes de mines”, in Bulletin de la campagne suisse contre les mines antipersonnelles, www.stopmines.ch/pdf/pdf51.pdf; and “The largest prison in the world: landmines, walls, UXOs and the UN’s role in the Western Sahara” Colaboraciones n° 1641, Grupo des Estudios Estrategicos, 17 April 2007, at www.gees.org/articulo/3867/.
- ³⁵ . See “Western Sahara. Keeping it Secret. The United Nations operation in the Western Sahara”, Human Rights Watch, vol. 7, 1995, at www.hrw.org/reports/1995/Wsahara.htm.
- ³⁶ . See “Les conditions de détention des prisonniers de guerre marocains détenus à Tindouf (Algérie)”, Paris, July 2003, p. 53, at www.mission-maroc.ch/pdf/Sahara/RapportPOWFRanLibertes.pdf.
- ³⁷ . Crisis Group interview, Ali Najab, Rabat, 14 February 2007.
- ³⁸ . Crisis Group interview, Ali Najab, Rabat, 14 February 2007.
- ³⁹ . http://www.vest-sahara.no/index.php?parse_news=single&cat=49&art=926
- ⁴⁰ . International Campaign to Ban Landmines, <http://www.icbl.org>
- ⁴¹ . Crisis Group interview, Pascal Bongard, Tifariti, 27 February 2007.
- ⁴² . Tabled by the Greens/European Free Alliance in January 2005 at the European Parliament in Strasbourg and adopted on 14 April 2005.
- ⁴³ . World Food Programme (WFP), April 2007.
- ⁴⁴ . Between September 2002 and August 2004, WFP delivered the equivalent of \$30 million in food aid (66,000 tons).
- ⁴⁵ . See L’Opinion, 19 March 2004.
- ⁴⁶ . Crisis Group interview, M. Ayachi, Tifariti, 28 February 2007.
- ⁴⁷ . Crisis Group interview, Mauritanian journalist, Zouerate, September 2002.
- ⁴⁸ . Crisis Group interview, Paris, 15 March 2007.
- ⁴⁹ . See <http://www.ocpgroup.ma/jsp/metiers/boucraa.jsp>.
- ⁵⁰ . See “Mer d’abondance”, Jeune Afrique N°2389, 22 October 2006.
- ⁵¹ . See “Armée. La grande bavarde”, Tel Quel N°226.
- ⁵² . Estimates of the Moroccan military presence in Western Sahara fluctuate between 130,000 and 160,000 men. Tel Quel
- ⁵³ . Ibid.
- ⁵⁴ . Morocco’s military budget rose to \$1.7 billion in 2004. See “L’Année Stratégique 2004”, Institute of International and Strategic Relations, 2004.
- ⁵⁵ . Crisis Group interview, Moroccan journalist, Rabat, 7 February 2007.
- ⁵⁶ . These numbers come from an internal document of the Fondation Andromède (bureau d’étude d’intelligence économique marocain), which was made available to Crisis Group by its president, Moulay Abdelmalek Alaoui, also president of the Comité national marocain du Forum francophone des affaires. Crisis Group interview, Rabat, 8 February 2007.
- ⁵⁷ . See Khadija Mohsen Finan, op. cit., p. 93.
- ⁵⁸ . Crisis Group interview, Ahmed Hajji, Rabat, 13 February 2007.
- ⁵⁹ . Crisis Group interview, Fouad Abdelmoumni, member of the Moroccan Association for Human Rights (AMDH, Association Marocaine des Droits Humains), Rabat, 13 February 2007. These sums are regularly disbursed to reward the most prominent ralliés (members of the Sahrawi community who now support Rabat).
- ⁶⁰ . Ibid.
- ⁶¹ . El Ouali, first secretary-general of the Polisario, died in combat on 9 June 1976 in Mauritania at the age of 28. A charismatic figure, he remains the symbol of the Sahrawi struggle. The anniversary of his death is still observed as “Martyrs’ Day”.
- ⁶² . “Arrêtons l’hémorragie”, at www.arso.org/opinions/Baba_Sayed38.htm. ARSO stands for l’Association de Soutien à un Référendum Libre et Régulier au Sahara Occidental (the Association for a Free and Fair Referendum in the Western Sahara).
- ⁶³ . The confederation of the Rguibat (demographically the largest Sahrawi tribal entity) is subdivided into two entities, the Sahel Rguibat and the Charq, which are themselves subdivided

between different actions (Oulad Moussa, Souaad, T'Halat, Oulad Cheikh for the Sahel Rguibat / Loubeihat, Sallam, Foqra for the Charq Rguibat). The predominance of the Rguibat in the Polisario and SADR is beyond doubt. See Sophie Caratini, *Les Rguibats 1510-1934* (Paris, 1989).

⁶⁴ . *Le Monde*, Paris, 7 November 2006.

⁶⁵ . This organisation is sometimes also known as the *Jat Achahid* or the "Ligne du Martyr".

⁶⁶ . "These events were triggered by the protest against the arrest of Habbadi Ould Mohamed Lamine Ould Hmimed, who belongs to the 'laâyaycha' tribe, and his beating by Polisario militants in front of women and children. Seventeen young Sahrawis were wounded in subsequent demonstrations", *Le Reporter*, 11 June 2006, at www.lereporter.ma/article.php3?id_article=1273.

⁶⁷ . "Appel à tous les Nationalistes Sahraoui(e)s", *op. cit.*

⁶⁸ . Crisis Group interview, Khalil Ahmed, human rights adviser to the SADR, Tifariti, 28 February 2007.

⁶⁹ . *Le Journal Hebdomadaire*, 19 October 2004.

⁷⁰ . Crisis Group interview, Ali Omar Yara, Paris, 4 February 2005.

⁷¹ . In 2004, Smara's population was 40,000, ten times greater than in 1975. See "Un rêve marocain", *Jeune Afrique*, 21 December 2003.

⁷² . *Le Journal Hebdomadaire*, 19 October 2004.

⁷³ . Crisis Group interview, Khallihena Ould Errachid, Rabat, 16 February 2007.

⁷⁴ . Crisis Group interview, Ali Omar Yara, Paris, 4 February 2005.

⁷⁵ . See "Une mascarade nommée Corcas", *Le Journal Hebdomadaire*, 14 December 2006.

⁷⁶ . Crisis Group interview, El Kanti Balla, Paris, 19 February 2007.

⁷⁷ . The key points of the Sahara autonomy plan presented by Morocco to the Security Council of the United Nations on 11 April 2007 are as follows:

4. Through this initiative, the Kingdom of Morocco guarantees to all Sahrawis, inside as well as outside the territory, that they will hold a privileged position and play a leading role in the bodies and institutions of the region, without discrimination or exclusion.

5. Thus, the Sahara populations will themselves run their affairs democratically, through legislative, executive and judicial bodies enjoying exclusive powers. They will have the financial resources needed for the region's development in all fields, and will take an active part in the nation's economic, social and cultural life.

6. The State will keep its powers in the royal domains, especially with respect to defence, external relations and the constitutional and religious prerogatives of His Majesty the King.

8. As the outcome of negotiations, the autonomy statute shall be submitted to the populations concerned for a referendum, in keeping with the principle of self-determination and with the provisions of the UN Charter". Full text available at <http://autonomyplan.org/>.

⁷⁸ . Crisis Group interview, Karim Boukhari, editor-in-chief of independent Moroccan newspaper *Tel Quel*, 13 February 2007.

⁷⁹ . Crisis Group interview, Abdesselam Ouazzani, Rabat, 11 February 2007.

⁸⁰ . Crisis Group interview, Fouad Abdelmoumni, 13 February 2007.

⁸¹ . The most frequently cited figure by specialists with whom Crisis Group met.

⁸² . Name generally given to the short-lived hostilities between Algeria and Morocco in October 1963, in the wake of Algeria's independence.

⁸³ . This gas pipeline is in construction and due to make its first delivery in 2009. See "L'Algérie, troisième fournisseur de gaz de l'Europe", www.algerie-dz.com/article7584.html.

⁸⁴ . Crisis Group interview, Moulay Abdemalek Alaoui, Rabat, 8 February 2007. However the Saharan issue does not represent a substantial budgetary burden for Algeria, which enjoys bountiful gas and oil exports.

⁸⁵ . The coup brought to power a military regime which lasted until 2005, when President (ex-Colonel) Maaouya was removed. A transitional government ruled until the the April 2007 election of Sidi Ould Cheikh Abdellahi as president. See Crisis Group Middle East/North Africa Report N°41, *Islamism in North Africa IV: The Islamist Challenge in Mauritania: Threat or Scapegoat?*, 11 May 2005; and Crisis Group Middle East/North Africa Report N°53, *Political Transition in Mauritania: Results and Prospects*, 24 April 2006.

- ⁸⁶ . First the 1978 putsch; later the two attempts to overthrow Haïdallah, unsuccessful in 1981 and successful in 1984.
- ⁸⁷ . See Agence de Presse Africaine (APA), 4 April 2007.
- ⁸⁸ . See “Une dimension mal connue du conflit du Sahara Occidental : la position de la Mauritanie”, *Afrique contemporaine* n° 201, January-March 2002, pp. 83-88.
- ⁸⁹ . See “Les enjeux de l’intégration maghrébine”, working document n°90, July 2003, Moroccan ministry of finance and privatisation.
- ⁹⁰ . See Ridha Lahmar, “8ème session du conseil des ministres maghrébins du commerce: quelle zone de libre-échange pour le Maghreb?”, at www.realites.com.tn.
- ⁹¹ . See “Les enjeux de l’intégration maghrébine”, op. cit. See also Jawhar Chatty, “La nécessaire intégration économique maghrébine”, *La Presse*, <http://www.lapresse.tn>.
- ⁹² . Principal Algerian armed terrorist group. GSPC changed its name to the Al-Qaeda Organisation in the Islamic Maghreb on 25 January 2007.
- ⁹³ . See Crisis Group Report, Political Transition in Mauritania, op. cit. pp. 5-6.
- ⁹⁴ . Crisis Group interview, Hassan Alaoui, Rabat, 8 February 2007. See “Collusion entre le Polisario et Al Qaïda”, available at www.infosdumaroc.com/modules/news/articles-1502-collusion-entre-le-polisario-et-al-qaida.html.
- ⁹⁵ . Crisis Group interview, Smail Hamdani, Algiers, 25 February 2007.
- ⁹⁶ . See www.mauritanie-web of 4 April 2007.
- ⁹⁷ . See Djilali Benyoub, “Des généraux de l’armée royale impliqués. Le Maroc, nouvelle filière du trafic de cocaïne”, *Liberté Algérie*, 11 February 2007.
- ⁹⁸ . See Crisis Group Middle East/North Africa Report N°66, Western Sahara: Out of the Impasse, 11 June 2007.
- ⁹⁹ . Politique européenne de voisinage, Maroc] [Plan d'action UE/Maroc, 09.12.04] [Rapport de suivi Maroc, 03.04.08
- ¹⁰⁰ . Declaración de Santiago, XII Conferencia de los Intergrupos Parlamentarios Paz y Libertad para el Pueblo Saharaui Parlamento de Galicia – Santiago de Compostela – 12 y 13 de abril de 2008
- ¹⁰¹ . ASVDH (The Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State,(aka, The Sahrawi Association of Human Rights Victims),El-Ayoune, Moroccan occupied Western Sahara, Association Sahraouie Des Victimes des Violations Graves des Droits de l’Homme Commises par l’Etat du Maroc.
- ¹⁰² . http://www.oilvoice.com/n/Island_Oil_Gas_Extends_Reconnaissance_Contract_in_Morocco/4bf03add.aspx02.04.08], Infos and Open letter to Island Oil & Gas plc by Western Sahara Resource Watch, 13.12.06 , Press release Island Oil & Gas plc,11.04.08]
- ¹⁰³ . *Le Matin*, Rabat, 05.04.2008
- ¹⁰⁴ . *Telde actualidad* 26.04.08
- ¹⁰⁵ . *Wall Street Journal*, on 17.04.08
- ¹⁰⁶ . *L’Observateur*, Maroc
- ¹⁰⁷ . Adam Wolfe, 01 May 2008, NEW YORK

Chapter 3

RESEARCH METHODOLOGY

3.3.1 Methods of Data Collection.

Data were collected both from primary and secondary sources. The field trip part of the research was carried out for a period of six months from 7 June 01 to 15 December 02 in Western Sahara. During this period, the researcher had widely traveled to the Polisario side (the rebel part – on the other side of the berm), the Forces Headquarters in Laayoune (capital of Western Sahara), Tindouf (Algeria) a-UN Base for monitoring refugees, Bir Moghrein (Mauritania- which is a bordering town and hosts a large number of Sahrawis). Content analysis, observation and interview techniques were used as tools of primary data collection. Basically, extensive observation was carried out in actual terrain and in actual situation of the conflict zone and later, related books, journals and newspaper articles were scrutinized. A detail study of the UN archive on Western Sahara was also carried out. Semi structured interview sessions were also conducted with the key figures (SADR-President, Military Commander of the Polisario, UN Force Commander, international humanitarian agencies etc.) of the parties involved in conflict. A structured questionnaire survey was used to collect opinion of the Sahrawi populace. Relevant documents/speeches/statements and authentic (official sites only) world wide web (WWW) materials were also used as secondary sources for collecting data. The research was accomplished using methodological triangulation technique, as it is found to map out, or explain more fully, the richness and complexity of this conflict by studying it from more than one standpoint:

- Content Analysis – analyzing the content of different books, journals, daily news papers, periodicals and other documents relating to the issue.
- Interview – by interviewing different categories of people who are the parties involved in the conflict including the specialists.
- Researcher's Observation – by observing the conflict directly the conflict from Jun 2001-December 2001.
- Questionnaires – by circulating questionnaires to validate the popular will and perceptions of the conflict.

3.3.2 Primary, Secondary Sources of Data and Processing, Analyzing of Data.

Questionnaire survey, informal interview and secondary sources thus became integral parts of the study. Information collected from primary sources were processed and analyzed and interpretations were based on the primary and secondary data.

3.3.3 Field Works.

The field work for data collection took place from 7 June 01 to 15 December 01 in Western Sahara. During this process, extensive traveling was undertaken

for collection and verification of data. Later these were re-verified by taking into account of the reports sent by Bangladeshi officers serving in the mission now.

3.3.4 Data Collection. The data were collected through various methods; chiefly through observation, interviews, study of literatures and field surveys. Extensive interviews were done in coordination with various NGOs, UN bodies, SADR authorities etc. and questionnaires circulated to collect data. As the Sahrawi population are scattered in Morocco, occupied territory and Algeria, it was time consuming and laborious affair. Thorough observation was carried out on the Moroccan military bases (whenever permitted) including the Polisario outfit. Field surveys carried out in the refugee camps and temporary establishments of UN identification commission.

3.3.5 Research Questions of the Study.

This research will attempt to seek answers to the following questions in order to find out whether the roles of UN mission and creation of SADR are contributive to the settlement of the conflict or not:

- Is the conflict originated and now sustained with a geo-political motive to exploit the Sahrawis?
- What is the legal basis of Morocco to occupy the land and obstruct the right of self determination?
- What is the cost of the conflict imposed on Sahrawis?
- Has UN's intervention failed to secure the rights of self-determination (in contrast with Kosovo and East Timor) and now acting as an obstacle in conflict resolution process?
- Has SADR failed to realize the dreams of Sahrawi population politically?
- What are the probable conflict resolution approaches that might work for resolving the conflict?

Chapter 4

Research Findings and Analysis

4.1 **An Evaluation of Existing Conflict Resolution Initiatives and Impediments in Western Sahara.** There had been numerous attempts; sometimes by UN Secretary Generals personal envoys, international donor agencies, NGOs, US envoys to resolve the conflict and keep the dialouge open for both the parties. The details are enumerated subsequently.

4.1.1 **The Factors of 'Geopolitics and Realpolitik as Impediments of Peace Efforts/ Initiatives'**¹.

The world is familiar with the suffering of the Palestinians living in refugee camps for over 50 years but less familiar with the plight of another Arab people also languishing forgotten in refugee camps behind a sand wall. In the more than three decades since the declaration of the SADR the cause of the Saharawi people has dwindled into all but a non-issue as far as most of the international community is concerned. In a world where the probability of outcomes is often predicted with some certainty, no one, neither expert nor diplomat, would have anticipated that after more than three decades Saharawi refugees would still be in their tented towns in the Algerian desert separated from their kin living under occupation without freedom and dignity. The story of the people of Western Sahara has been tainted by the stigma of realpolitik² for some time. The geopolitical backdrop that spans the more than thirty years of the Saharawi struggle saw the shifting international context of the region from the realpolitik of the 'Cold War' to the realpolitik of the 'War on Terrorism'. The Western Saharan narrative is essentially about the evolving relationship of Morocco and Algeria to the United States, France and Spain and through it to the African continent and the world. Day by day Saharawis are confronted with decisions based on considerations of power rather than ideals, morals, justice or principles. And still the Saharawi liberation struggle simmers on and each phase is accompanied by its own diplomatic fallout as political practitioners ply their trade and direct the course of a people. The story of Western Sahara is littered with the words of so many discarded resolutions. While the International Community continues to adopt carefully crafted resolutions at the United Nations in the interest of balance and compromise, the Saharawi refugees in their desert refugee camps endure yet another day in collective anticipation waiting for the promised day that they can go back home. If you talk to experts and diplomats covering Western Sahara, almost all will admit that legal right is on the Saharawis' side. Even the former United Nations Secretary General's Special Envoy on Western Sahara recently told the Security Council that the law clearly favours the Saharawis. At the same time he also morally indicted the so-called power players as being in Morocco's camp. More and more Saharawis are faced with "realities of power" based on hard, practical and even sometimes coercive and amoral considerations. Saharawis are coerced to face the world *as it is*, rather than how it ought to be. Should this be the ultimate and depressing lesson of the Western Sahara? Should we agree that the world is being run by the dismal calculus of "interests" and realpolitik? Should the only constants in the shifting political sands be the all but forgotten plight of thousands of people patiently awaiting their promised right to decide their own fate?

Can there be a compromise between international legality and political reality? Is international law simply a tool in the diplomatic kitbag that can be utilised to justify politically motivated actions? The outcome of the Western Sahara dispute is clearly of great importance to thousands of indigenous Saharawis and their kin but should their fate only concern the international community inasmuch as the interests of the major powers are affected? Does might make right? Political reality is subjective. Therefore a rule based international order through multilateralism and the rule of law remains the essential prerequisite for the resolution of conflict between nations.

The seismic power shift as the last millennium drew to a close was in the eyes of the victors the beginning of a new age where the rivalry over politics, economics and culture was finally settled - history was concluded decisively and finally. The nations of the West had won and the United States of America was the defining power of the triumphant West. Where to from here? The question remains as the fate of Saharawis is being determined by regional and global forces that follow the dictates of particular interests and which unfortunately do not always hold the Saharawi people, or the merits of their cause, central to a solution. The legal, moral and political responsibility of the UN is clear. The mandate of the UN and its mission is to help achieve the decolonisation process of the last colony in Africa. The UN mandate is not to reward the aggressor that violates international legality and refuses to abide by UN resolutions. To attempt to do so is to betray not only the Saharawi people but also the international community at large. It is indeed an affront to ask the Saharawi people who have suffered immensely from Morocco's occupation of their homeland and been denied their basic human rights, to accept an imposed 'political reality' and negotiate a compromise on international legality. The UN cannot wash its hands of the Western Sahara conflict and abandon its responsibility - if it does, the UN's credibility will suffer and its integrity will be buried in the Saharan sands.

One can but imagine the blow to the collective patience of a people waiting to go home for more than thirty years sustained by the belief that one day their homecoming will happen because the world cares enough to ensure that they can exercise their legal right in an act of self-determination through a vote. For those of us that want to believe that the world is fundamentally just, that wrongs are eventually righted, and that in our policies dealing with other countries and people we are inherently fair and righteous, the endless denial of justice of the Saharawi people should shame us. For here is a people with right wholly on their side, international law emphatically in support of their cause, an agenda item of the U.N. Security Council for decades, that are still ignored. There is also something frightening about the possible reaction of a people that has invested so much trust in the legal prescripts of a process even though that trust has been betrayed so many times before. The reality is that the Saharawis are waiting and the threat of violent regional conflagration if their waiting ends in the appropriation of the Western Sahara by Morocco outside of any legal process should not be downplayed. There is indeed a line in the sand that the Saharawis cannot cross unless they accept being

Moroccans. Former President Nelson Mandela said “*There is no such thing as part freedom.*” And Africa cannot be free until Western Sahara is free.

4.1.2 Branding Polisario Movement as Terrorist Activity – an Obstacle in de-conflict Process.

The need to make amends for an unforgivable omission by the Spanish Administration has added to a list of dangers for the Polisario Front. Until now, its role as the Sahrawi people’s liberation movement has never been disputed, but now they have been downgraded to no more than a vulgar terrorist group. A new innovative episode of historical revisionism is threatening to sneak through via the Canarian Association of Terrorism Victims (ACAVITE) in order to demand recognition and help to defend the inalienable right of the Sahrawi people to self-determination in their own land. Spaniards still require this same recognition and help after more than thirty years of suffering the consequences of the actions of the Polisario Front. It seems that it is not a group acting just moved by an anti-Polisario grudge or some post-colonial resentment; they are just convinced that this is the most effective way to solve the problem endured by its members. Nevertheless, this group’s demands end up being the perfect alibi with which Morocco’s King Mohammed is about to obtain institutional recognition by the Zapatero³ Administration to his strategy of distorting the history of the invasion when he tried to annihilate the Sahrawi people. A recent move organised by The Moroccan American Center for Policy (MACP)⁴ bears the testimony of another such effort. The Polisario Front is not perfect, neither was the French resistance against the Nazi invasion during World War II, nor was the ANC fighting underground against South African apartheid and whose members, by the way, were depicted as terrorists by Nazis and racists Boers, respectively. But, until now, no one – with the obvious exception of pro-Moroccan lobbies – had thought of associating it with a form of terrorism, let alone to equate its actions with ETA’s. Nowadays, the stigma of terrorism has become a powerful way to discredit opponents carrying serious political and legal consequences. Branding the Polisario Front as such is one of the most desired objectives after sought by King Mohammed’s friends. The Moroccan rulers have been trying to use this approach through several means. One of them, airing a certain connection between Polisario and Islamist terrorism – something filtered in the middle of the 3/11 tragedy. An older one was resorting to assume the similarities between Polisario and ETA. Their bet on this battle of semantic confusion is that the silence pervading the Sahrawi conflict favours the disappearance of that great difference marked by more than fifty UN resolutions recognizing the Sahrawi people’s right to self-determination under the banner of freedom – something conspicuously absent in ETA’s case. The omission also intends to drag public opinion into an error that Rabat fosters when branding the Polisario Front as a gang whose threads lead to Algeria in order to break away from Morocco. Just as if the Sahara had been integrated as a state with Morocco when, in 1973, in the heat of this territory’s Spanish colonization, Polisario was born to provide continuity to the efforts that Bassiri, the first Sahrawi martyr fighting for liberation, had begun.

The Background.

The Spanish troops, who during three years of armed conflict in '70s faced the Polisario forces, preferred to resort to terms such as "subversive" or "radical youngsters" when talking about Sahrawi rebels, branding them as anti-Spanish – with all the serious criminal baggage that this discrediting term carried. In their reports about the Sahara, the term "terrorism" was reserved by the ones in charge of the Spanish information services to be used about pseudo liberation movements, such as the Liberation and Unity Front (LUF,) trained and armed by Morocco, to pretend before the international community that the Sahrawis did not want independence but instead that the Spaniards left the territory in order to culminate decolonization returning the Sahara into the arms of the Moroccan motherland. No one knew better than the Spanish military that Polisario militants were no angels. The amount of dead and wounded as a result of their actions among Spanish ranks facilitated that certain sectors settled the score with a "they had it coming," about the Moroccan invasion that in 1975 came along the improper and complicit Spanish desertion of the territory. Yet not even venting their frustration could afford them to trample the UN's displayed common sense opposing to identify the actions of self-defense carried out by armed liberation movements as terrorism. The end of an era justifying colonial submission of subjugated peoples was irreversible. Not even the alarm stirred in 1972 by the unfolding phenomenon of hijacking airliners was a justification for the United Nations to stop considered the situation of national liberation wars as state of war, and never as acts of terrorism. The Polisario Front was the enemy, those in charge of the mission to safeguard the Spanish presence in the Sahara, were pretty unceremonious with them. The Sahrawi combatants who survived that time still remember that becoming prisoners of their Spanish adversaries exposed them to torture, deportation, summary execution or, worse still, to be sent to Morocco –it already meant they could pay with their lives. But in that sinister logic usually entailed in all decolonization wars, Polisario's Spanish enemies clearly knew that the Sahrawi combatants' main objective was not to finish with their lives but to publicize their cause and put pressure on the Spanish Government to give them back their land. For example, when Polisario had already been active for a year and had inflicted Spanish casualties, a Spanish intelligence report made a series of peculiar ascertainments. Some were about a certainty that not all the violent actions attributed to Polisario had really been carried out by the organization. Others emphasized the premeditated will of Sahrawis and its allies to minimize the damages suffered in their struggle.

"In all the attacks carried out [by Polisario] against posts or detachments, two things have been demonstrated in every occasion:

- 1) They wanted neither European nor indigenous casualties;*
- 2) Their means to attack have always been very poor (lack of mortars, hand grenades, and so forth.)*

The incidents with casualties had always been due to the fact that we had forced them into that desperate situation and in self-defense."

Evidently, the situation described by the report had nothing to do with, for example, the violence and scope reached in the Algerian struggle against French colonialists and a death toll by tens of thousands. France constitutes a good example of how the process of decolonization can also translate in a very slow and heavy digestion for the old metropolis. The electoral leverage still brandished by those having nostalgia for French Algeria, has succeeded with that the Government – the self-proclaimed champion of the international community against the “barbarism of Bush’s imperialism” in Iraq – is now domestically embroiled in a controversy with imperialistic undertones – because of a law forcing all to recognize the civilizing benefits of its colonization and, very specially, its contribution to Algeria’s development. The post-colonial trauma that the hurt French *grandeur* has been dragging on since 1962 for the loss of what it considered a province as French as Provence, keeps on interfering even today in Franco-Algerian relations, sabotaging the good intentions of the authorities on both banks of the Mediterranean Sea to seal a powerful and mutually beneficial alliance. The vengeful demons never forgave the Algeria of the National Liberation Front (FLN) neither to have taken the road to independence nor the affront for refusing to sacrifice its vocation as a regional power in order to act just like a simple pawn of French neocolonial hegemony in Africa. Its shadow has loomed large and very strongly, for example, favoring unconditional support by Paris to Morocco (a model of post-colonial submission) against a Polisario endorsed by rebellious and uncontrollable Algeria, even at the expense of sacrificing the international legality that French foreign policy advocates in other scenarios. Its irrational logic has also led French politicians to unfathomable non sequiturs like the one refusing to show its repentance for the colonial massacres in Algeria and instead promoting a law demanding the Turks to apologize for the Armenian genocide.



If nobody takes the lead – and everything indicates there is no danger of this happening – that innovative reading of the decolonization processes will belong to the political aces of the Spanish historical memory law. Rodríguez Zapatero’s PSOE⁵ got its chance through the struggle that Lucía Jiménez, President of ACAVITE, has been waging since 1999 – the date when the Victims of Terrorism Law came into force and her father could be recognized as a victim of terrorism. The alleged attack took place on January 10, 1976 in Western Sahara where Francisco Jiménez was working as an electrician for Fos Bucraa –company belonging to the National Institute of Industry that operated the Spanish colony’s phosphate deposits. Spain had not finished yet its exit after the agreements with which, in November 1975, Franco’s last government had surrendered the Sahrawi people to King Hassan of Morocco, violating UN resolutions and its duties as the administrator power. The Spanish treason against the Sahrawi people had unleashed a multi-headed war roaming the territory, in addition to Polisario and FLU guerrillas, there were battalions of Moroccan, Mauritanian and

Algerian armies. The vehicle in which Francisco Jiménez was traveling blew up when it drove over a landmine placed by the Polisario Front – something alleged by his daughter. He survived miraculously but suffered terrible physical and psychological consequences. Raimundo López, another worker accompanying Jiménez, died on the spot. Nobody can deny solidarity to whom fate assigned the ticket of a sinister lottery. Something very different is to attribute the difficulties that the Jiménez family went through to a lack of humanitarian responsiveness by the Popular Party's government in the family's attempts to make Francisco invoke his right under the law seeking reimbursement or compensation from the State for "*victims of terrorism or acts perpetrated by persons belonging to gangs or armed groups or acting with the purpose of seriously disturbing the peace and security of the citizens*".

The flexibility that the Jiménezes demand to make their case fit into the only opportunity that, at the moment, the law offers to help victims of violent acts so they receive the attention needed, forces an ellipsis that skips the peace and security of Western Sahara's citizens already broken since October 1975 with the invasion promoted by the King of Morocco – with which he misappropriated most of the territory and implanted terror using troops, air power, and security forces devastating a defenseless civil population with genocidal fury. The historical punctiliousness could be sacrificed in the name of a good cause if, with it, one were not culminating a dangerous distortion of the facts that ends up turning into a crime the right to self-determination, recognized by the United Nations to defend oneself from the aggression of a third party. Jiménez herself has assured that she does not look for culprits. She suspects the landmine that tragically marked the destiny of her family, did not have as a target the Spanish workers who remained in a territory engulfed by an international war, but to stop the advance of Moroccan troops that, with the support of its Mauritanian allies, were completing the illegal occupation of the territory in those days. Therefore, it seems she does not intend to create a precedent with which people such as Jose Martí, Simón Bolívar, George Washington, Ho Chi Minh or Manuela Malasaña herself could be considered terrorists.

4.1.3 Three pillars of Polisario Perspective of Conflict Resolution.

What is the right way forward? Are the Polisarios tempting to lose hope in international law, lose hope in multilateralism, and lose hope that a peaceful resolution is possible. It begs the question: should the Polisario return to battle to dislodge the occupier from our land? There is indeed considerable frustration both inside the territory and in the refugee camps that the international community has manifestly failed its own standards, its own laws, in its feeble approach to the Western Sahara. And despite this neglect, they have been steadfast in their resolve to honor their side of the ceasefire agreed in 1991, waiting for the international community to deliver. They have very little to show for their patience. And patience has its limits. Against this backdrop, here are few key themes for the Polisario's political and diplomatic strategy going forward, all with a view to ending the occupation, and at last liberating people and land.

Theme 1: the UN and its Parisanship.

During the lifetime of the UN, over 80 colonies have attained their independence. But the so-called UN process of decolonization has in Polisarios case been an empty one. The Polisario would welcome a peaceful and mutually agreeable fulfillment of the international community's responsibility. But following the involvement of more than ten special representatives and personal envoys, three unfulfilled peace plans, more than one billion dollars in MINURSO budgets and dozens of UN resolutions, the Saharawi people continue to wait patiently for a democratic and legitimate outcome. The status quo cannot continue indefinitely. Following four rounds of the Manhasset talks, we wait again for the appointment of a new Personal Envoy, charged with resuming talks by mandate of the Security Council. It is a matter of concern that ongoing Moroccan efforts is delaying the appointment of the Secretary-General's chosen candidate, Ambassador Christopher Ross, and to somehow insist that Ross pick up where his predecessor, Peter Van Walsum, left off. The new Personal Envoy must be free to discharge his work, operating according to his mandate from the Secretary-General and the Security Council, and without interference from either party. The Secretary-General must confirm the appointment without further delay. The Polisario was happy to work with Peter van Walsum. But his personal, and final, statement to the UN Security Council earlier this year, was frankly unacceptable. He overstepped his role as a mediator in the negotiations. Van Walsum in essence argued that the only "realistic" solution to the dispute was for the Polisario to accept the Moroccan colonial fait accompli, and to exclude the option of a free and open process of self-determination with the possibility of independence. There are several reasons why this statement was unacceptable:

First, it is not for the UN to say which part of international law it chooses to ignore - if the UN sides with an illegal occupier, there is no hope for the dispossessed, the occupied, worldwide;

Second, Van Walsum's statement completely disregarded the very reasonable proposal for a solution put forward by the Polisario on 10 April 2007.

and

Third, Van Walsum's statement was itself unrealistic. There will be no solution which does not in some way reflect the legal requirement for decolonization, and one that allows the people of Western Sahara to exercise their fundamental right to self-determination. Morocco's "autonomy" plan claims to fulfill this right by offering a vote on that autonomy. But to rightfully reflect the free expression and will of the people, the process cannot be predetermined nor circumscribed. It must leave all options on the table, including the option for Polisarios to choose the establishment of an independent state.

Of all the world's institutions, the UN must reflect this basic legal reality. This reality has been reflected in the language of every single Security Council resolution since the invasion, through to this day. It is a reality well understood by previous Personal Envoy,

James Baker, and one which Christopher Ross will need to accommodate and ultimately reflect in his work, once appointed. To this end, he will enjoy Polisarios full cooperation. The Polisarios do not want nor expect their own *fait accompli*, just respect for international law. They are ready to discuss with Morocco and the international community, as reflected in their proposal of 10 April 2007, the nature and contours of a future Western Saharan state within its internationally recognized borders. They are ready to accommodate in some way the security needs of others and to address and respect the rights of all those who now live in the Western Sahara, including Moroccans. A Saharawi state would be cognizant of the concerns of their neighbours further to the north, including migration, people and drug smuggling, the sustainable development of natural resources and the ever-present scourge of terrorism. They are ready to discuss how their state can properly address these issues.

Theme 2: Natural Resources.

The second element or pillar of Polisario campaign is to end the illegal exploitation of Western Sahara's natural resources. It is clear to all observers that Morocco's theft of their natural endowments is an important driver of its ongoing illegal occupation. And the knowing customers for these illegal exports are equally at fault. On most estimates, Morocco's exploitation of Western Saharan phosphates alone earns it at least \$2 billion per year in illegal income, and likely much more. And to its considerable discredit, the EU pays Morocco tens of millions of dollars a year to allow European vessels to pillage the world-class fisheries resources that rightfully belong to the people of the Western Sahara. As confirmed in 2002 by then-UN Legal Counsel Mr Hans Corell, the exploitation of these resources, in flagrant disregard of the interests and wishes of the people of Western Sahara, is in clear violation of international law. These illegal activities must be curtailed and terminated, and has become a focus for our political strategy and decision-making. The Polisario is considering - with its partners and allies - what steps it can take legally and diplomatically to combat this theft of property. All options are on the table. We call upon all states to ensure that their companies do not collaborate with Morocco in this illegal behaviour. We call upon the EU to exclude Western Saharan waters from the scope of its fisheries arrangements with Morocco, and to do the same in respect of any agreement that flows from Morocco's pursuit of enhanced status with the EU. It is bizarre and unconscionable that the EU, which prides itself on its commitment to human rights and international law, should collaborate in, and benefit from, the theft of Western Sahara's resources.

Theme 3: Human Rights.

The third pillar of campaign is to draw attention to Morocco's continuing and systematic abuse of Saharawi human rights. For thirty-three years of occupation, Morocco has repressed the Saharawi people. It imprisons Saharawis illegally; it denies them proper trial. Saharawis in the territory are regularly arrested without cause, beaten and sometimes tortured. Some have died. And Morocco has still failed to account for the more than 500 Saharawi prisoners who have disappeared following arrest by Moroccan

authorities. This record of abuse has been documented by several international human rights organizations, including Amnesty International and Human Rights Watch. Francesco Bastagli⁶, the former head of MINURSO, testified bravely and honestly to the General Assembly Fourth Committee that the UN has failed to protect the Saharawi people in their homeland. Only once in thirty-three years of occupation – in 2006 – did the UN send a mission by its human rights officials. The as-yet unreleased report by the Office of the High Commissioner for Human Rights recommended clearly that the UN should institute regular monitoring of human rights in the territory and the camps, a recommendation which the Polisario are happy to accommodate. But this recommendation, now over two years' old, has not been implemented by the UN. No other UN peacekeeping mission operates without this indispensable requirement. There is no reason why MINURSO should be the lone exception to the rule.

The common thread for this journey has, and will always be, the inalienable right to self-determination. Their struggle is not one of choice. Self-determination is a fundamental human right, a peremptory norm of international law, and a *sine qua non* for resolving the dispute over Western Sahara. Without a free and fair referendum, there can be no way forward.

4.1.4 Twists and Turns and Related Lessons⁷.

On June 18 and 19, 2007, direct talks between the two protagonists in the Western Sahara conflict, the Kingdom of Morocco and the Polisario Front, were held under United Nations auspices at Greentree Estate in Manhasset, New York. As expected, the negotiations were concluded without any major breakthrough or mishap, and both sides agreed to the UN suggestion that another round take place on August 10 and 11. This result was predictable, since both sides went to Manhasset determined to stand by their already stated and much advertised positions, which nobody attempted to reconcile at this stage. Morocco is offering limited autonomy that would require Polisario to accept Moroccan sovereignty over the territory a priori, while Polisario remains steadfast in its own proposal to resolve the conflict through a referendum on self-determination, with independence as one of the choices. The composition of the delegations sent to Greentree gave testament to the firmness with which both sides were holding to their positions. Morocco's delegation was headed by the Minister of the Interior and included the head of the Royal Advisory Council for Saharan Affairs (CORCAS) who, in addition to his CORCAS title, holds also a position in the Ministry of Interior. By contrast, during all rounds of negotiations under the UN Secretary General's Personal Envoy, James Baker, in 1997 and 2000, Morocco's delegation was always headed by the Minister of Foreign Affairs and Cooperation. Thus Morocco emphasized its point that the issue of Western Sahara is an internal one, and that the matter should really be discussed among Saharans on both sides of the divide – the "separatists," as Morocco often calls Polisario officials, and those loyal to Morocco. Polisario, on the other hand, sent the exact same delegation that it had sent to all direct talks held under Baker's auspices, thus making it clear that as far as Polisario was concerned nothing had changed in its position since that time.

The Secretary General's Report of 2007.

Although it was evident on the basis of statements made by members of the delegations and the Secretary-General's spokesperson at the end of the talks that nothing much had happened – other than that both sides had behaved well and that the atmosphere had been good – the fact that both had agreed to another round aroused considerable speculation as to what might happen next. For this reason the Secretary-General's report to the Security Council on the talks was eagerly awaited. The report was issued on June 29, 2007 in all six UN official languages. A few hours later, the report was recalled for “technical reasons,” only to be reissued later without the observations and recommendations that formed the core of its policy analysis. This



was a first at the United Nations as far as anybody familiar with these kinds of proceedings can recall. It was announced that instead of including the observations in the report, the Secretary-General's current Personal Envoy for Western Sahara, Peter van Walsum, would brief the Security Council orally – which he did on July 11, 2007. A reading of the first version of the report, including the observations, makes it easy for anyone familiar with the Western Sahara conflict to understand what had happened. The suggestion that Polisario could be asked to *“test Morocco's readiness to take part in serious, constructive negotiations by making concrete proposals to define, clarify or amend provisions in the proposal of Morocco, leaving the final status out of consideration at this stage”* inevitably elicited strong protest from Polisario and its ally, Algeria. There was a clear implication in this suggestion, whether it was meant or not, that down the line as the talks went forward, the United Nations planned to use the Moroccan autonomy proposal as basis for the negotiations. It appeared that Polisario would be ultimately asked to accept autonomy in some form. A follow-up sentence evidently intended to balance the suggestion made to Polisario stated that Morocco *“could be asked to show a greater awareness of the complexity of the issue by not insisting that its acceptance of autonomy instead of integration is equivalent – in terms of sacrifice, to a possible acceptance by Polisario of autonomy instead of independence.”* Neither Polisario nor its supporters, however, could regard the two suggestions as in any way equivalent. They deem the difference between autonomy and the possibility of independence as fundamental. The decision to withdraw the report and then re-issue it minus the observations was damaging to the stature of the United Nations as an independent mediator in the Western Sahara conflict. At the very least, it suggested that the Secretary-General and his advisers were not as familiar as they should have been with the issues at hand, and that they had failed to think through the implications of what they said in the first version of the report. Alternatively, an observer might conclude that the Secretary-General and top aides lack strength of conviction on Sahara issues and would tack with the winds rather than standing by what

they said and explaining what they meant. Whether the United Nations can recover from this Western Sahara stumble remains to be seen. The situation is complicated by the fact the United States, always a close ally of Morocco, but nowadays perhaps motivated even more by a desire to cement its ties with the North African country in waging the Global War on Terror, seems to be coming down openly on Morocco's side on the autonomy question. To the extent that the United Nations appears to be taking the same position, its neutrality will be in question. At the end of van Walsum's closed-door briefing to the Security Council – but before either the Personal Envoy himself or the Council President came out to face the press stake-out of the meeting – the Deputy Permanent Representative of the United States, Jackie Wolcott Sanders, appeared and took note of the April 11, 2007 Moroccan proposal to the Secretary-General that unveiled its autonomy plan. The American representative welcomed what she said were Morocco's serious and credible efforts to move the process forward toward resolution. She added that as far as the United States was concerned, Morocco's initiative was a flexible and realistic framework for beginning negotiations on a plan that would provide for genuine autonomy contingent on the approval of the local populations in a referendum that would be in keeping with the principle of self-determination. The statement made by the President of the Council, Ambassador Wang Guangya of China, was more sober, expressing the Council's support for the agreement by the parties on negotiations that would continue in the second week of August under UN sponsorship. The statement expressed hope that the parties would use the next round of negotiations to engage in good faith in substantial negotiations on the way forward. The big question now is whether in the August 2007 session the two parties will move past their positions and engage in a real conversation, which ought to start by trying to find common elements in their respective proposals, if any. If this is to happen, those who support a just solution for Western Sahara will have to accept that as in the past, there will be interruptions in the talks and other delays as each side consults with its principals in a genuine effort to move past the rhetoric. On the other hand, if the session appears to go smoothly and both sides emerge promising to meet for yet another round at some point in the future, one could easily guess that no substance was touched, or that no true effort was made to get to the tough issues. And there is always the possibility that the whole negotiations process could collapse if either side thoughtlessly or intentionally provokes the other.

The Next Round of Negotiations.

Morocco and the Polisario independence movement met for a second round of negotiations over Western Sahara on Friday, August 11, 2007, two months after resuming landmark talks. The second round of talks was, like the first, being hosted by UN chief Ban Ki-moon's envoy for Western Sahara, Peter Van Walsum, in Manhasset, just east of New York City. Representatives from Algeria and Mauritania were also at the talks. Members of the Group of Friends of Western Sahara-- Britain, France, Russia, Spain and the United States -- were also invited, but did not attend Friday's round. *"I hope you will maintain the same good atmosphere that characterized the first round.*

However atmosphere is not everything," Van Walsum said in opening remarks to the two sides as the talks got under way, according to a spokesman. "The Security Council expects us to conduct good faith and productive negotiations". *"Thirty years of weighty legal arguments from Polisario did not produce any result,"* with the UN Security Council unwilling to "impose a solution," van Walsum said. *"It is necessary to take into account the risk of creating false hopes and of prolonging the agony"* of the 160,000 Saharawi refugees staying in Algerian camps, he explained. Moroccan Interior Minister Chakib Benmoussa, who led Rabat's delegation, said after the June round that the Polisario had yet to make concessions to respond to an autonomy proposal Rabat made in April. Another member of the Moroccan delegation, Khelli Hanna Ould Errachid, president of the Royal Advisory Council for Saharan Affairs, called for the Polisario to make greater concessions to help break the impasse. *"What we need is concessions, patience, dialogue and renunciation of dogmatism,"* Errachid said. "Morocco has given up total integration (of Western Sahara) and we expect the other party to give up full independence." Mahfoud Ali Beiba, who headed the Polisario delegation, reasserted the organization's aim to achieve full self-determination for Western Sahara and said negotiations would require "perseverance, patience and creativity." He called on *"our Moroccan brothers to face up to history together with us by seizing on this historic window of opportunity that has opened for us."* UN spokeswoman Michele Montas described the first round in June as "very difficult" and "the beginning of a long process."

Lessons Learnt.

A Tug of War of the Status – Autonomy vs. Self determination.

The Western Sahara conflict has been one of the toughest that the United Nations has had to struggle with. Fortunately, there has been no bloodshed by either side since the UN cease fire went into effect in September 1991, but the fact remains that the conflict is no closer to a solution 16 years after the Security Council first got involved, despite the millions of dollars poured into Western Sahara for the maintenance of the MINURSO. In addition, the Western Sahara refugees continue living in the Tindouf camps in Algeria 30 years after they fled there. Frustration is growing palpably on both sides of the Morocco-Polisario divide. The closest the United Nations came to resolving the conflict was with the Peace Plan for Self-determination of the People of Western Sahara, which was unanimously supported by the Security Council in July 2003. It offered a period of autonomy for the territory to be followed by a referendum on self-determination which, in addition to the options of integration with Morocco or independence, also included the possibility of continuing autonomy. The Peace Plan was accepted by the Polisario Front and supported by Algeria, but finally rejected by Morocco in April 2004. Morocco maintained that the autonomy period could only be final and not transitional as proposed by the Peace Plan, and that the independence option had to be ruled out since it would be out of the question for Morocco to engage in negotiations over its sovereignty and territorial integrity. This resulted in key members of the Security Council, the United States foremost among them, back-tracking and pulling their support from the Peace

Plan. While still talking about the principle of self-determination, they encouraged a mutually acceptable political solution not necessarily including a referendum with independence as an option. They had already been told by Secretary-General Kofi Annan in February 2002, that this would not be possible given the parties' entrenched and opposite positions regarding a solution.

Indifference Attitude of UN.

Taking his cue from the Security Council, however, Secretary-General Annan puts aside the Peace Plan⁸. Instead, he and his representatives tried to find a solution by consulting with key members of the Security Council, who naturally put their bilateral interests ahead of trying to find a genuine, long term solution to the conflict. Annan proposed negotiations without preconditions as a possible way out of the impasse. However, the recent suggestion by Secretary-General Ban Ki-moon in the rescinded report that Polisario could be asked to make concrete proposals related to the Moroccan autonomy initiative alerted everybody that the current UN game plan might be to use the Moroccan proposal as a basis for negotiations. The Secretary General's report should not have gotten into detailed suggestions on a solution at this stage of the process, especially when the two parties stand so far apart in their positions. Experience in past negotiations on Western Sahara has shown that they can be more productive if fewer details are disclosed publicly, at least until both sides have had an opportunity to digest changes in the evolving diplomatic situation. The quick back-tracking to eliminate the controversial paragraph, along with the remainder of the policy part in the report, showed that the Secretariat lacked resolve and would react hastily to whoever was putting more pressure. This was a good example of what not to do in trying to resolve the Western Sahara conflict, or any other conflict for that matter. In the past, whenever the Security Council and the Secretary-General changed positions because one or the other party complained about some development in the peace process, a new stalemate resulted. Flexibility on the part of the Secretary-General can be a virtue, but weakness – which seemed to be apparent in the withdrawal of the initial version of the report – will only complicate future negotiations.

Big Power Interest

As for the role of the United States, its recent moves have been anything but helpful in terms of bringing about an early, long-term resolution of the conflict. The controversy about the implication in the Secretary-General's report that the United Nations was favoring the Moroccan autonomy proposal was damaging enough. The rush on the part of Deputy U.S. Ambassador to laud the Moroccan proposal will only make it more difficult to persuade Polisario and Algeria to go to the next round of negotiations in an open and cooperative frame of mind. Whether the United States was in a hurry to express publicly views that it was not able to have inserted in the formal Security Council statement, as the Deputy Ambassador was asked by a journalist, remains an open question. What is clear is that in the past, the United States has been more effective

and far more helpful in promoting progress toward resolving the Western Sahara conflict when it acted as an honest broker, rather than as an impulsive supporter of Morocco. In fact, unqualified support by outsiders for either side in the Western Sahara conflict has never promoted progress, but only helped solidify the parties' positions. It is to be hoped that if no meaningful progress is made in the next round of negotiations, the United Nations and Morocco's key supporters, especially France and the United States, will reappraise their strategies on resolving the Western Sahara conflict. They might realize that their support of Morocco's autonomy proposal is not contributing to a resolution. Lauding a proposal that they are not in a position to impose, unless they are ready to flaunt international law and the international community as a whole, is not helping anybody, least of all Morocco, which wishes and needs to resolve the conflict. Morocco could be helped if showed by its friends that 'something cannot be had for nothing,' and that some real sacrifices might be necessary to get out of its current predicament. At the same time, Polisario needs to be told by its supporters that it should take a realistic look at the world as it is today, which is certainly very different from the world of the 1970s and 1980s, when decolonization still loomed large in the UN agenda, and when liberation movements could still count on support by the super-powers and their proxies based on the cold-war divide. Polisario and its supporters should ask whether continuing to cite past promises by the United Nations and others, or touting principles of international law that seem to be on their side, will help them move toward a sustainable solution any time soon. The solace to be found in continuing demonstrations and calls of support by young Saharans in Western Sahara might not be itself enough reason for Polisario to perpetuate its pursuit of what may be an unattainable situation. In short, the Security Council, the parties themselves, and their outside supporters should do a reality check on whether their current policies and rhetoric are likely to be helpful in finding an early and long-term solution to conflict. If they do this, they could find that with discretion, persistence, and good will they might succeed in negotiating a way out of the current impasse.

4.2 A Comparative Analysis of the Proposals Put Forward by The Polisario/SADR and Morocco.

Moroccan Proposal- A Summary⁹.

Through this initiative, the Kingdom of Morocco guarantees to all Sahrawis, inside as well as outside the territory, that they will hold a privileged position and play a leading role in the bodies and institutions of the region, without discrimination or exclusion. Thus, the Sahara populations will themselves run their affairs democratically, through legislative, executive and judicial bodies enjoying exclusive powers. They will have the financial resources needed for the region's development in all fields, and will take an active part in the nation's economic, social and cultural life. The State will keep its powers in the royal domains, especially with respect to defense, external relations and the constitutional and religious prerogatives of His Majesty the King. The Moroccan initiative, which is made in an open spirit, aims to set the stage for dialogue and a negotiation process that would lead to a mutually acceptable political solution. As the

outcome of negotiations, the autonomy statute shall be submitted to the populations concerned for a referendum, in keeping with the principle of self-determination and with the provisions of the UN Charter. To this end, Morocco calls on the other parties to avail the opportunity to write a new chapter in the region's history. Morocco is ready to take part in serious, constructive negotiations in the spirit of this initiative, and to contribute to promoting a climate of trust. To achieve this objective, the Kingdom of Morocco remains willing to cooperate fully with the UN Secretary-General and his Personal Envoy.

Polisario Proposal – A Summary.

The Polisario proposal hinges on three major aspects of; decolonisation question, holding of a referendum on self-determination and the granting of post-referendum guarantees to Morocco and to Moroccan residents in Western Sahara.

Detail comparative analysis of both the proposals is appended at Annex D.

Analysis of the Proposals with Special Emphasis on Autonomy Plan

1. One is that the history of respect for regional autonomy on the part of centralized authoritarian states is quite poor, and has often led to violent conflict, as witnessed by the tragic results from the Ethiopian decision to revoke Eritrea's autonomy in 1961 and the Serbian decision to revoke Kosovo's autonomy in 1989.
2. Based upon Morocco's record of breaking its promises to the international community regarding the UN-mandated referendum for Western Sahara and related obligations based on the ceasefire agreement 17 years ago, there is little to inspire confidence that the Kingdom would live up to its promises to provide genuine autonomy for Western Sahara.
3. How much autonomy is even being offered. Important matters such as control of Western Sahara's natural resources and law enforcement (beyond local jurisdictions) remain ambiguous.
4. The proposal appears to indicate that all powers not specifically vested in the autonomous region would remain with the Kingdom. Indeed, since the King of Morocco is ultimately invested with absolute authority under Article 19 of the Moroccan Constitution, the autonomy proposal's insistence that the Moroccan state "will keep its powers in the royal domains, especially with respect to defense, external relations and the constitutional and religious prerogatives of His Majesty the King," appears to afford the monarch considerable latitude of interpretation.
5. In addition to the ethical shortcomings of a proposal which asserts that the forcible integration of a disputed territory into a neighbouring state is compatible with the principle of self-determination, the Autonomy Plan fails to address other key issues which are at the heart of the conflict. This Plan does not address the fact that Western Sahara is physically partitioned, with the territory being divided into two parts by the

"Berm", a series of defensive earthworks manned by Moroccan military personnel and protected by minefields, which stretches throughout Western Sahara. Morocco controls all the territory to the west and north of the Berm (some two thirds of the territory), while the Polisario independence movement controls the territory to the east and south of the Berm.

6. The physical partition of Western Sahara is rarely discussed, and it often appears that the majority of politicians, policy makers and journalists are unaware of the division of the territory. Western Sahara is invariably described as being "under Moroccan control" or "occupied by Morocco". The issue thus appears to be one of whether or not Morocco's de facto control of the territory should be accepted. Those supporting the Autonomy Plan presumably see the endorsement of Morocco's occupation as a means of resolving the issue of the status of Western Sahara, ethical considerations aside.

7. Morocco appears extremely keen to maintain the fiction that it controls the entirety of Western Sahara. Rabat consistently denies that the Polisario exerts any control, or indeed has any presence, in the areas to the east and south of the Berm, which Morocco claims to have established as a "buffer zone" for security purposes. Rabat also likes to give the impression that the UN recognises these areas as being somehow out of bounds to the Polisario, and complains vigorously whenever the Polisario organises political or cultural events in the areas under its control, accusing them of illegal incursions into Moroccan territory and/or of violating the terms of the ceasefire established in 1991. Advocates of the Autonomy Plan regularly claim that the Polisario has never "liberated" any territory, and that Polisario claims that it controls any territory in Western Sahara are false, and made purely for propaganda purposes. Morocco also claims that it is the only power capable of patrolling, governing and enforcing security in Western Sahara.

8. The reality is very different to the situation as represented by Rabat and its allies. Military Agreement No. 1 (MA#1), agreed between the MINURSO peacekeeping force, the Royal Moroccan Army, and the Polisario states the following:

"MA#1 divides the disputed territory of Western Sahara into five parts:

- One 5 km wide Buffer Strip (BS) to the South and East side of the Berm;
- Two 30 km wide Restricted Areas (RA) along the Berm. The Buffer Strip is included in the Restricted Area on the POLISARIO side and the Berm is included in the Restricted Area on the RMA side; Two Areas with Limited Restrictions (ALR), which are the two remaining vast, stretches of land of Western Sahara on both sides respectively."

9. The ALR on the Polisario side of the Berm is referred to locally as the "Free Zone", and contains a number of Polisario military bases which house an unknown number of military personnel. The Polisario operates regular patrols throughout the Free Zone, and effectively controls Western Sahara's borders with Algeria and Mauritania¹⁰.

10. In addition, the Free Zone is used by Sahrawi from the camps, particularly for grazing of animals after significant rainfall, for example as apparent in the area around Tifariti in November 2005 (contrary to Moroccan claims that the inhabitants of the camps are kept there against their will and are unable to leave). While the permanent population of the Free Zone is low, it is not uncommon to encounter temporary or semi-permanent tented Sahrawi camps, and at least one small village (Dermi al-Kasr) exists near the border with Mauritania in the Northern Sector of the Free Zone. A number of civilians have also settled in and around Tifariti. In summary, the Free Zone is an inhabited region that is effectively controlled by the Polisario, and in which security is good.

11. The existence of the Free Zone and its status as a territory controlled by the Polisario and used by Sahrawi from the refugee camps around Tindouf represents a serious barrier to the effective implementation of the Autonomy Plan, which would take place under one of the following scenarios:

- a. Negotiations between Morocco and the Polisario result in the Polisario agreeing to hand power to Morocco and relinquish the Free Zone. The entire territory of Western Sahara is incorporated into Morocco as a province with a limited degree of autonomy.
- b. Morocco extends its control throughout the entire territory of Western Sahara by invading the Free Zone.
- c. Morocco unilaterally implements the autonomy plan in the regions under its control. The Free Zone is left as a rump Sahrawi state under the control of the Polisario.

12. Scenario 'a' essentially would require the complete capitulation of Polisario, and appears unlikely given the failure to date of the parties to the conflict to reach agreement on the status of Western Sahara. Any such capitulation would be likely to alienate the population of the refugee camps around Tindouf, many of whom appear to favour a return to armed conflict given the failure of the peace process.' It appears unlikely that Morocco would welcome a large number of pro-independence Sahrawi refugees from the Tindouf camps into a greater Morocco: Rabat consistently maintains that the population of the camps is considerably lower than that estimated by independent observers, and claims (without evidence, and contrary to all observations by third parties) that around half of the camps' population consists of economic migrants from Mali and Mauritania. The prospect of the Polisario being integrated into Moroccan political life, or of Rabat welcoming members of the Polisario as citizens/subjects within a greater Morocco, seems remote under the current political system in Morocco. The autonomy plan appears to make no allowance for the return of refugees, and consistent under-estimation of refugee numbers by the Moroccan government would appear to preclude the return of the majority of the population of the camps.

13. Scenario 'b' appears more realistic than Scenario 1. However, any attempt by Morocco to extend its physical control of Western Sahara into the Free Zone would inevitably lead to conflict with the Polisario, and very probably with Algeria. Mauritania might also be drawn into the conflict, given the strong cultural links between the Sahrawi in the camps and elements of the population of northern Mauritania. Even in the (unlikely) event of Algerian consent to an expansion of Moroccan control into the Free Zone, the Polisario would be likely to resist any such expansion. Failure to do so would be viewed as unacceptable by the population of the refugee camps. Any armed conflict in the Free Zone would undermine regional security, and would very probably destabilise Mauritania.

14. Scenario 'c', consisting of formal partition, would simply represent a crystallization of the existing situation and the final failure of peace negotiations. With the prospect of a mutually acceptable solution removed, pressure from the population of the camps on the Polisario to renew the armed conflict would increase. The likely position of Algeria, which currently houses and to a large extent supports the Sahrawi refugee population, under this scenario is unclear. Withdrawal of Algerian support would probably result in at least some of the refugees settling in the Free Zone, to the extent that resources (principally water) permitted. The extent to which Rabat would be willing to tolerate the existence of a potentially hostile Sahrawi state on the borders of greater Morocco is debatable.

15. Of course the most likely outcome is that the implementation of the autonomy plan depends on the agreement of all the parties to the conflict, such agreement is not forthcoming, and the current uneasy status quo is maintained. The autonomy plan is predicated on two fictions. First, that Western Sahara is simply a part of Morocco with a troublesome secessionist movement, when in reality it is a partially occupied territory that has been partitioned between Morocco and the Polisario. Second, that the refugees in the camps around Tindouf would be happy, and welcome, to return to their homeland as Moroccan subjects. While the proponents of the plan are presumably aware of these problems, they are never addressed, suggesting that the plan does not represent a serious attempt to resolve the conflict. Instead, the Autonomy Plan appears to be a stalling tactic designed to defuse criticism of Morocco's occupation of Western Sahara, and to discredit the Polisario, the latest ruse via which Morocco seeks to avoid the holding of a referendum, while appearing to act constructively on the issue. It may seem like a solution to those not familiar with the realities of partition, which is why Morocco tries so hard to play down the existence of the Free Zone, and consistently underestimates the number, and misrepresents the aspirations, of the Sahrawi refugees in the Tindouf camps. The reality of the situation on the ground in the Free Zone represents an "inconvenient truth" for Rabat, as it calls into question the viability of the Autonomy Plan¹¹.

4.3 The Stability Model of UN Peacekeeping – An Analysis.

This section suggests looking at the MINURSO's operation as a projection of Western power/knowledge drawing on a *Foucaultian* analysis of the relationship between systems

of power and truth. The main argument is that, MINURSO has not only failed to promote conflict resolution, but that it has on the contrary contributed to sustain the uneven balance of power between both parties. France and the US's acquiescence of Moroccan policies in relation to the Saharan question have hindered the efforts made by international organisations (UN and OAU) to promote conflict resolution in Western Sahara. Since the end of the Cold War, Western policies concerning North Africa have been based on conflict containment and the promotion of stability. This is the cornerstone of their policy in a region, which is perceived as potentially highly unstable. This is due to the emergence of Islamic fundamentalism in North Africa and, in particular, to the dramatic proportions of the Algerian civil war. In this context, the Alawite monarchy ruling Morocco is perceived as a strong ally of the West, not only for the regime's tough policies directed at containing fundamentalism but also for the country's geo-strategic assets. This country hosts military air bases, which are a key strategic asset for the rapid deployment of North American forces in the Middle East and South East Asia. Western support for Morocco has been expressed in practice by the abandonment of the process leading to the organisation of a referendum for the Saharan people, even though this process is still formally endorsed by the UN Security Council. Some analysts claim that the current relegation of the POLISARIO Front in the international arena (a liberation movement only partially supported by conflict ridden Algeria), is a step towards what has already been defined as the "*Palestinisation*" of the Western Sahara conflict and the formation of terrorist organisations fighting for the rights of the Western Saharans. But as Wayne Madsen has pointed out this path is unlikely to remove the oppression and violence in the Sahara:

"If the Saharawis, out of desperation, break the cease fire and go to war with Morocco, the antiterrorism measures undertaken by the United States may seal their fate. All the State Department has to do is simply declare POLISARIO and the Saharawi Arab Democratic Republic terrorist organizations. Their international assets would be frozen, their leaders would be arrested and could be tried by secret U.S. military tribunals... (Counterpunch2003)."

The UN Secretariat authoritative approach to the implementation of the peace plan and, more specifically, to the criteria for the identification of voters limited the chances of the operation being successful because the UN sided with Morocco and was unable to report on this party's lack of consent in the operation. In fact, as described above, international human rights organisations and former diplomats of MINURSO have claimed that the secretariat's policymaking was biased in favour of Morocco. Conflict Resolution theoretical approaches to third party intervention in asymmetric conflicts like the Saharan conflict (oppressor – top dog - versus oppressed – underdog) stress the need for the third party to join forces with the underdog in order to enable a transformation of power relations and in particular, a transformation of those structures and discourses which sustain violence and oppression. In relation to the UN peacemaking and peacekeeping model of third party intervention, academics and practitioners agree there is a need for more robust mandates, which will enable the organisation to implement

peacekeeping and peacebuilding programs. In MINURSO's case, it can be argued that the top dog, Morocco, has taken full control over the operation and has even used a 'sticks and carrots' strategy towards MINURSO, managing their consent to the mission as a bargaining chip. The aim of this strategy has been to ensure that the referendum plan is not put into practice. In this case, third party intervention has not promoted a transformation of the power relations but rather it has been manipulated by Morocco and has served the top dog's purposes of maintaining the status quo. This research argues that in the Saharan conflict, the UN secretariat peacemaking process has promoted a settlement which is favourable to the dominant power and its ally in the region (*Pax Americana*). Their approach is underpinned by unquestionable 'scientific knowledge' originating in the Conflict Management/Resolution theoretical discourse. The UN peacemaking discourse in the Sahara is based on the assumption that the peaceful transformation of conflictive relationships involves a change in the parties' perceptions and interests from win-lose to win-win outcomes. This discourse, for instance, explains MINURSO's failure to implement its mandate and to organise the referendum by pointing to the parties' problematic aspirations in the peace process: in brief, both parties have a winner take all mentality. Elements of this discourse are visible in this fragment from one of Kofi Annan's reports on the Western Sahara (2001):

"Because of the parties' unwillingness to work together to resolve the various problems, the United Nations started submitting proposals to them to bridge their differences. As a result, both sides became accustomed to receiving from the United Nations suggestions and technical solutions each time there was a problem, which the parties, in turn, would proceed to revise or dilute through long and arduous negotiations until they were satisfied that they had safeguarded their own best interests. The process thus became a zero-sum game, which each side felt it absolutely had to win since, owing to the nature of the agreement that the United Nations was trying to implement, the referendum would produce one winner and one loser and the stakes were therefore extremely high (UN Document S/2001/613)."

Therefore, the UN Secretariat's discourse was based on the assumption that the plan could not be implemented because its outcome would be a "zero-sum game" (UN Document S/2001/613). Elements of this discourse can also be identified in the ideas expressed by the UN Personal Envoy for the Sahara, former US Secretary of State, James Baker:

"In addition, my Personal Envoy expressed concern that the parties had so far failed to negotiate these problems because of the high level of animosity existing between them. In his view, neither party had shown any disposition to depart from the 'winner-take all' mentality or appeared willing to discuss any possible political solutions in which each could get some, but not all, of what it wanted and would allow the other side to do the same (UN Document S/2002/178)."

James Baker has been one of the main promoters of the so-called third way for the Sahara, involving autonomy for the Sahara within Morocco. Baker conceives the third way as a positive sum game approach to conflict resolution in Western Sahara:

"It represents a fair and balanced approach, providing each side some, but perhaps not all, of what it wants. The peace plan, therefore, represents a compromise (UN Document S/2003/565)."

This shows the link between the UN peacemaking strategy in the Sahara and a particular Western discourse on the settlement of disputes, which examines conflicts as objectified units of study and at the discursive level, claims to be based on scientific knowledge. That is, a resolution of the conflict, which is based on the '*positivist faith*' in science to resolve social problems, accommodate all parties through positive sum games, and '*cake sharing*' processes. As Salem has pointed out, "a neutral, 'objective' approach to conflict assumes a certain neutral and 'objective' view of the world." Foucault¹² stressed that the emergence of the so-called discourse of modernity, with the proliferation of scientific knowledge in the social sphere, is related to maintaining a certain social order and class structure. Therefore, the production of power and knowledge are inextricably interrelated. From this perspective, Conflict Resolution can only lead to social transformation if it addresses the potential harms of using discourses, which can be used by dominant groups to maintain the status quo. As Fetherston¹³ emphasizes:

"The extent to which conflict resolution and peacekeeping in both theory and practice are fundamentally mis-directed is the extent to which they are unable to make visible the political framework within which they are formed... (Fetherston 2000:198)."

In this sense, this thesis argues that the mission has been biased in favour of Morocco mainly because the UN's production of power/knowledge was constrained by the power dynamics within the international system. In this way, the mission was used to promote *Pax Americana*. In particular, the mission only reported those human rights violations, which did not involve holding the top dog accountable. Since the mission was set up in 1991, MINURSO has focused on reporting those actions, which are related to containing the violence against the Moroccan regime (for instance, the situation of Moroccan Prisoner of Wars in the POLISARIO camps). Moreover, it omitted or misreported the acts that obstructed the peace plan and human rights abuses perpetrated by Morocco. In this context, MINURSO's peacekeeping can be seen as a way of promoting the status-quo and legitimising the same order of power relations, which was actually at the root of the conflict. MINURSO did not try to change the rationale *oppressor vs. oppressed* but rather its purpose was to contain the conflict and promote *Pax Americana* in an area perceived of as potentially highly unstable. On the other hand, the parties' production of power/knowledge in the conflict is associated to some extent with the legitimisation of current socio-political structures both in Morocco and in the SADR. In Morocco, the Saharan provinces have been integrated in the mechanisms of legitimisation of the regime, which are based on the symbolic power of the king as a Commander of the

Faithful. The Saharan policy of the Moroccan State was embedded in the French protectorate discourse and political practices i.e. a projection of Morocco expanding its empire towards the west and south. The leader of *Istiqlal*, Allal El Fasi, put the doctrine of the Greater Morocco in writing in 1956.¹⁴ Allal el Fasi set the agenda to regain the Moroccan empire, which included the Spanish Sahara, Mauritania, the North of Mali and parts of bordering areas with Algeria. The Greater Moroccan map reproduced the borders of the Almoravide dynasty empire (11th to 12th century). Adopting this nationalistic agenda was a way for the King of Morocco Mohammed V to ensure *Istiqlal*'s support for his leadership. The monarchy also aimed to legitimise the royal power in the "re-construction" of Greater Morocco.

Morocco's system of regime legitimisation is not permeable to transformative policies in the Western Sahara conflict. Western liberal democratic values impinged on the principles of MINURSO's mandate. In particular, the principle of the people's sovereignty is at odds with the Moroccan monarchy's production of power/knowledge. This relevant issue might have been overlooked by the drafters of the 1988 UN settlement proposals for the Western Sahara. The political expression of this principle, namely the organisation of a free and fair referendum process through which the Saharan people can decide by themselves whether they want to be ruled by the Moroccan king or have an independent state has no room in the dominant Moroccan political culture based on the sacredness of the king as the Commander of the Faithful and guarantor of the territorial integrity of the kingdom. Moroccan political constitutional culture is based on the reinvention of traditional forms of legitimisation and the religious authority of the king. For instance, political institutional forms like the *baia* and the *shura* regulate that the people's political participation is subordinated to the king's rule. On the other hand, since the beginning of the war in the Sahara, the Polisario Front has been committed to a process of modernising traditional Saharan society, which involved a drastic attempt to overcome tribalism as a form of social organisation.

Historically, the family or *cabila* was the main socio-political unit of Saharan society. For members of the cabila, the *asabyia* or tribal loyalty system organised social relations and helped the most vulnerable within the group. Saharan traditional society was highly stratified and hierarchical. In each cabila or family some elders, the *sheiks* or tribal chiefs, were the main source of power/knowledge. Their role was to transmit Saharawi traditions, their ancestral laws and the history of their families to the younger members of their community. The sheiks also mediated in conflicts between the members of the family. Paradoxically, the end of the war and the peace process has taken place at the same time that the struggle for power and contradictions within the POLISARIO has boosted tribalism. The ceasefire opened up a process of rediscovering their Saharawi people's identity at a time when a power struggle within the POLISARIO front had generated a serious internal crisis. The lack of progress in the peace process, i.e. the frustrated identification process, has aggravated the tensions among the Saharawi families and cabilas. For many, the resumption of hostilities is now the only way to achieve self-determination and inner peace, as the war was also an element of cohesion among all the tribal groupings of Saharawi society. MINURSO has been instrumental in

the process of 'returning' to the traditional society. The historian Hodges explains how in the 60's, the emergence of Saharawi national awareness was fed to some extent by hearing UN resolutions on the self-determination rights of the Saharan people, which were broadcasted by international radio stations (Hodges 1984). During the UN identification process the Saharawi National Radio publicised those individuals and tribal groupings that were to be identified. As the tribal identity had been taboo in the 80's, public information on the UN process led to a process of 'rediscovering' family roots, especially for some young people who had been educated abroad. Nevertheless, the Saharawi people conceive the UN as a conflict resolution tool to protect their rights. The Saharan people endorsed Pérez de Cuéllar's settlement proposals in 1988 hoping that a UN monitored peace plan would lead to the referendum and full independence for SADR. However, the protracted impasse in the process leading to the organisation of the referendum has also led to growing support for the resumption of hostilities: "*we were better off when the fight was on*" is a recurrent opinion among Saharawi refugees and expatriates. The ceasefire and the peace process are perceived in negative terms by most people. Their expectations about the role of the UN as a conflict resolver have been frustrated. *The war is perceived now as the best way to pursue their communal interests and needs.* In the last few years the POLISARIO elite have made intense efforts to convince their constituencies to keep to the diplomatic channel. However, many young Saharans feel attracted to the martyr culture. The production of power/knowledge in the conflict is a key element in the political survival of both parties' elites. This is also reflected in the high degree of militarization and societal control that has been maintained. For instance, both parties maintain movement restrictions over their population. Military checkpoints can be found on the roads of the main Saharan cities and the refugee camps of Tindouf. Saharawis and Moroccans responsible for human rights abuses against the Saharawi population in the past still hold governmental positions in Tindouf and in the Moroccan held Western Sahara. This shows the extent to which power holders use social coercion and intimidation to achieve their political goals¹⁵ For instance, the control both parties' have over public information also shows the prevalence of cultures of violence in Western Sahara. The parties wage a propaganda war through the radio emissions. According to Salek Muftah, a journalist of the Sahara Press Service (SPS), "MINURSO is a dirty war". In Tindouf the radio broadcasts programmes on the struggle against the Moroccan invader and the UN efforts to achieve self-determination for the Saharan People. Moroccan Radio emphasizes POLISARIO's internal problems and hardships suffered by the Moroccan population kidnapped in Algeria¹⁶. Researchers, and journalist are banned from entering Western Sahara or their movements are constrained and under high surveillance. Both parties are fearful that foreign reports may weaken their position. In particular, human rights organisations have denounced the lack of accountability mechanisms to prosecute human rights offenders on both sides¹⁷.

4.4 Ground Observations and Analysis.

Polisario Side.

The Polisario rebels are organised in line with a semi-conventional regular army. The command and control hierarchy is as good as a regular army. They are not equipped with modern and technologically superior weapons rather using old Russian equipment. They operate on the north, south and eastern side of the Berm and mostly control all area which are not occupied by Moroccan army. It covers upto Algerian border towards east and Mauritanian border towards south. Their morale was low as found in the end of my tour of duty. They were frustrated and hopeless about the peace process. They operate as a loose band of 30-40 men in a group with light vehicles and weapons. They keep changing their location and avoid frontal engagements with Moroccan army, which facilitates their observation along the Berm and free zone. They avoid any armed confrontation with Moroccan army and strictly observing the conditions of ceasefire laid down by MINURSO. They always found to be cooperative with MINURSO personnel. There were five MINURSO team sites in the Polisario controlled areas and as per the military agreement; they provide logistic support to the MINURSO team sites. It was noticed that they were cordial, jolly and mixes up quickly. Poverty has taken its toll among them and most of them were serving Polisario as volunteer with a nominal payment with which they maintain their families at Rabuni refugee camps inside Algeria. These Polisario soldiers were utterly frustrated due to the fact that there is no progress noticed in the peace process so far and many of them were stranded in the refugee camps. However, they demonstrated reasonable allegiance to their leadership but at times, it appeared to me that, they were quite resentful about the luxurious and safe life and ineffectiveness of their present leadership. In particular, they used to feel suspicious about French and US personnel working in MINURSO. Religious faith is quite ingrained in their attitude and behaviour and they readily used to prefer muslim members of MINURSO personnel to European or American.

Moroccan Side.

On the Moroccan side, my observation was limited other than occasional meetings and going around on the western side of the Berm where they were located. Morocco maintains a large army alongwith this fortified Berm. The description of the Berm is mentioned previously in details and rest of the information is classified. The morale of the Moroccan troops and officers was high. They possess modern weapon and equipment. Only thing that I noticed is the impatience among the ranks for sitting tight over 25 years without having a real fighting. Generally, they do not prefer their tour of duty in Sahara. They consider this part of Sahara to be their own – a part of territory they are promised to defend. Their command and control structure is like a regular army. Usually, the communication/liaison between the MINURSO and Moroccan army was carried out from Forces Headquarters at Laayoune (capital of Western Sahara in Moroccan occupied territory) and there were no permanent liaison officers detailed from

Moroccan side. They also guard the phosphate mine plants in Smara (Moroccan controlled territory). They were also found to be cordial and cooperative with MINURSO officials. During the holidays, I talked a lot with Moroccans and found that most of them were concerned about the fact though they were split in their opinions. Sahrawi student living in Morocco were particularly enthusiastic about the cause.

The Findings

The above-mentioned findings were compiled through extensive traveling, discussion and observation by various means. The observations were carried out mainly by UN vehicles/helicopters.

Visit to Bir Mogrein (Mauritania).

The researcher visited the town named Bir Mogrein in the northern part of Mauritania, which falls within the responsibility of MINURSO. During his visit, he noticed the Western Saharan refugees living in camps in extreme inhospitable condition. The main source of income and livelihood of the inhabitants was pastoral grazing of their animals and small scale trading in the nearby towns. The womenfolk reside in the camps and children are not attending any sorts of school. The situation hardly improved now as had been informed.

The Findings

On ground observation and informal interview was carried out and it was found that the condition of the refugees was deplorable.

4.5 **Conflict Resolution Strategies and Analysis.** The conflict resolution approaches which are applicable in this study are enumerated below.

4.5.1 Conflict Analysis Approaches.

Given this analysis of the latest proposals by both the parties, it appears that there surfaces three concrete dimensions over which the status quo is surviving. From the core issue (self-determination) many tried in many ways to resolve the conflict, finally landing up into three clear options and these are;

1. Complete independence through self determination with full acceptance by world body including Morocco.
2. Integration with Morocco as an autonomous/semi autonomous region.
3. Self-governance within Moroccan sovereignty (added by Mr. Baker as a third option).

Here appears to be a growing consensus within the international community that some sort of compromise, or “third way” between independence and integration, is necessary to resolve the conflict and that a “winner takes all” approach, such as a referendum on

independence, is unworkable. While encouraging such compromise and trying to find a win/win situation is certainly the preferable way to pursue a lasting peaceful settlement regarding ethnic conflict and many international disputes, Western Sahara is a clear-cut case of self-determination for a people struggling against foreign military occupation. The Polisario Front has already offered guarantees to protect Moroccan strategic and economic interests if allowed full independence. To insist that the people of Western Sahara must give up their moral and legal right to genuine self-determination, then, is not a recipe for conflict resolution, but for far more serious conflict in the future. Now let's view the prime option of self-determination which is proposed and vehemently pursued by Polisario/SADR since long. The other two options are purely proposed by Morocco, western powers and very tacitly by UN recently (Peter Van Walsum) and already discussed earlier.

The Question of Self-determination.

It has become a peremptory norm of international law since the adoption of General Assembly resolution 1514 (XV) on 14 December 1960. The question is widely and routinely defined as one of self-determination. That the issue of self-determination has been an important aspect of the conflict throughout is not in dispute. The problems arise when this aspect is taken, as it almost invariably has been, as defining the question to the exclusion of its other aspects. And to define the question in these terms when one of the parties (Morocco) both clearly rejects this definition in principle and has in practice a veto on outcomes it does not like is to guarantee that the question cannot be resolved.

The Position of Morocco.

Morocco clearly does not really subscribe to the view that the principle of self-determination should be applied to this case. In organising the Green March and occupying the territory in 1975, it pre-empted the application of the principle at the outset. In encouraging settlement in Western Sahara by Moroccan nationals since then to the point that they now constitute a majority of the territory's population,¹⁸ it has been industriously creating facts on the ground to make impossible any effective application of the principle by the indigenous Sahrawi population. And in wriggling out of its verbal commitments to cooperate in the holding of a referendum – allowing itself to be led towards the water but refusing to drink – it has repeatedly sabotaged attempts to operationalise the principle. The Moroccan government has never really accepted the Western Sahara question to be a matter for self-determination. On the contrary, it has considered it to be comparable – if not, in substantive principle, identical – to the issues arising in the decolonisation of the other Moroccan territories once governed by Spain: the Rifian zone and Tetuan (both returned to Morocco in 1956), Sidi Ifni (returned in 1969), Mellila (Spanish since 1497 but claimed by Morocco) and Ceuta (also still under Spanish sovereignty but claimed by Morocco).¹⁹ In short, the Moroccan government's real position, whatever its discourse might on occasion suggest, is that the territory is historically and therefore rightfully part of the Moroccan kingdom²⁰ and that its recovery cannot be allowed to depend on, let alone be jeopardized by, the preferences of a

majority of its inhabitants. This is, of course, not a democratic attitude. But it is an attitude which numerous other states have had in relation to problematic territories, including, as it happens, every single permanent member of the UN Security Council at some point of their history. Both the Polisario Front and Algeria have had grounds for considering that Morocco has behaved hypocritically in paying lip-service to UN discourse and playing along with MINURSO. It might have been better – in the sense of aiding everyone to conceive of the situation more accurately – had Morocco continued frankly to dispute (as it did at the very outset in 1975) the view that the principle of self-determination could or should apply. Its position in 1975 was that the Western Sahara had been part of the Moroccan kingdom prior to the colonial period, and the kingdom was accordingly entitled to recover its old possession. In ruling against this claim, the International Court of Justice (ICJ) based its judgment primarily on the absence of political ties of a modern territorial nature in the pre-colonial period.²¹ From this finding, it concluded that Morocco's claim was invalid. This judgment was certainly defensible, but by no means incontrovertible. Instead of persisting in trying to contest it, however, Morocco was eventually induced to defer, at least formally, to the derived postulate that the question was a matter of self-determination by the fact that the UN took and maintained this position. Thus the definition of the question adopted by the UN obliged Morocco to pay lip service to the self-determination principle while trying to get around it. In taking Morocco's pretence at face value, the UN has connived at the eventual failure of its own efforts, given the Security Council's refusal not only to envisage a non-consensual resolution but also to apply informal pressure at critical moments. It follows that, if Morocco's real attitude cannot be overridden by a united and determined Security Council, any serious attempt by the main parties to negotiate an alternative solution must address and take proper account of Morocco's true position, not its feigned one.

The Position of the Polisario Front.

The Polisario Front has defined the question in terms of the right of self-determination, and it has had every reason to do so. There is no doubt that, in so far as the people of Western Sahara in 1975 possessed the right to determine their own future, that right was violated and its exercise thwarted by Morocco's behaviour. There is also reason to believe that, had a free and fair referendum been held on the basis of MINURSO's eventual definition of the electorate in 2000, the result would have been a vote for independence. The Moroccan government's refusal to countenance such a referendum on the basis of that electorate at the time, and its subsequent refusal to countenance a referendum in which independence is an option for the electors, whoever these may be, furnish support for the Polisario Front's view of the matter and reason for it to stick to its thesis that the question is solely a matter of the right to self-determination. As has been noted, the Polisario Front's interpretation of this principle has been consistent and democratic. It has always accepted that the option of full integration with Morocco should be offered to the people of Western Sahara in a final status referendum. It also has accepted that the option of autonomy should be on offer if other parties insist on this. But what it has consistently refused to accept is a formula for autonomy in lieu of a

genuinely free referendum in which independence would be an option. It was for this reason that Polisario was instinctively opposed to James Baker's second proposal, the Peace Plan, as well as to his earlier Draft Framework Agreement, since they both proposed to establish a form of autonomy within the constitutional framework of Moroccan sovereignty in advance of any referendum, and thereby tended to pre-empt or prejudice the referendum in some degree. What enabled Polisario eventually to guardedly accept the Peace Plan as a basis for discussion was the much improved definition of the electorate for the final status referendum and the fact that independence was to be offered as an option – in other words, that the principle of self-determination as it understood this was still (just) being retained. Even so, many Polisario officials regarded their change of position as the most painful concession they have ever made. Mohammed Sidati, Polisario's representative to the European Union, put it this way:

The Baker Plan was a big change from the Settlement Plan but we recognise that we are the weaker party, and we made the painful concession. That was the last concession of the Sahrawi people

*– to live under Moroccan sovereignty, to include the choice of autonomy and to let Moroccan settlers vote. What more can we give?*²²

Mohammed Yeslem Bissat, the Front's representative in Algiers, told Crisis Group that Polisario has made all the concessions, often with promises from the UN Secretaries-General, Baker, Spain or the U.S. that it would be followed by pressure on Morocco:

*In 1991, we gave up on unconditional independence; in 1994 we gave up the 1974 census; in 1997 we allowed the identification of the contested tribes, and in 2003 we allowed Moroccans to vote in our referendum. What has Morocco given us in return? Nothing.*²³

The one concession which the Polisario Front has refused to make has been on the principle of self-determination. A Polisario official said: "Even if we wanted to, we do not have the power or right to deprive the people of the Western Sahara of their right to determine their future. Our mandate is to realise that right. If we betray it, we will lose whatever legitimacy we have".²⁴ Morocco's recent autonomy proposal falls short of respecting this principle, and Resolution 1754, which refers approvingly to the Moroccan proposal in "welcoming serious and credible Moroccan efforts to move the process forward towards resolution",²⁵ discounts this fact.

The Position of Algeria.

Algeria's position is arguably the most complex and certainly the most controversial. On the one hand, its representatives have regularly stressed that the country's support for Polisario is based on its general and longstanding support for the principle of self-determination, and it is not a party to the Western Sahara conflict.²⁶ The tendency has been to present Algeria's position as one of high-minded idealism and altruistic solidarity. On the other hand, Morocco has regularly insisted that Algeria is indeed a

party to the conflict (and often suggested that the Polisario Front is a mere pawn of Algiers). Numerous observers have stressed Algeria's rivalry with Morocco for influence in the region and have suggested that Algiers has had very substantial material and strategic interests of its own in the eventual establishment of a Western Saharan state that would be a satellite or client. These extreme and sharply opposed readings of Algeria's position are simplistic and misleading. But it is in part due to the way the Western Saharan question has been handled by the UN that the more complex truth of the matter has remained obscure. There can be no doubt that Algeria's support for Polisario has been rooted in, and an instance of, its longstanding support for the principle of self-determination. Given that its liberation struggle was fought, among other things, in the name of that principle and that referendums on self-determination played a role in the resolution of its decolonisation drama, it was natural for Algeria to take this position.²⁷

Long before the Western Sahara crisis developed, Algeria had a track record of supporting other national liberation movements on the same ground of principle, notably the ANC in South Africa, FRELIMO in Mozambique, the MPLA in Angola, the PAIGC in Guinea-Bissau, the PLO in Palestine and SWAPO in Namibia. But it is also evident that Algeria and Morocco have been engaged in constant competition for influence in the Maghreb region and beyond. Mohammed Benouna, Morocco's UN representative, told Crisis Group: "Behind the Sahara [conflict], there is a geopolitical dispute between Morocco and Algeria".²⁸ A senior Moroccan official said: "The region will be either under Algerian influence or under Moroccan influence".²⁹ Algerian journalist Tayeb Belghiche agrees: "It's a conflict of two countries; each country wants to be the dominant power in the region".³⁰ Algeria has undoubtedly been disadvantaged by Morocco's annexation of Western Sahara, since this changed the strategic balance to Rabat's benefit. It greatly enlarged Morocco's territory and, in addition to giving it access to valuable resources (phosphates, fisheries and, potentially, oil), gave Morocco a new frontier (with Mauritania) – while simultaneously depriving Algeria of a frontier³¹ – and greatly extended its coastline. It was entirely natural for Algeria to be dismayed by this change and to wish to see it reversed, and these considerations certainly form an important aspect of the context of Algeria's position on the conflict. But their significance should not be misread. They are a factor in Algeria's position rather than a constituent element of it. The rivalry between Morocco and Algeria is of a kind with rivalries between many neighbouring states. It predates the onset of the Western Sahara conflict and is likely to continue long after this conflict has been resolved. The modification to Morocco's benefit of the regional power balance has reduced Algeria's previous advantage but by no means cancelled it and so is not in itself threatening. It is for this reason, among others, that there has always been a current of opinion within the Algerian political elite that has been inclined to accept Morocco's annexation³² on certain conditions. If this conciliatory current has remained in the minority in Algiers, this has been in part because the manner in which Morocco has enlarged itself has been entirely unacceptable, representing a massive affront to and setback for Algerian diplomacy and a major blow to its prestige not only in the Maghreb but in Africa and the Arab world as a whole. In other words, the problem for Algiers is not simply that

Morocco has acquired the Western Sahara, but that it did so unilaterally, by force, without any attempt at negotiation or proper consultation with interested parties other than Mauritania. The all but exclusive emphasis on the principle of self-determination that has characterised the UN's approach has tended to obscure the fact that Algeria's position (unlike the Polisario Front's) has always rested in addition – and as much, if not more – on another principle: the inviolability of frontiers inherited from the colonial powers.³³ Algeria's rivalry with Morocco and its strategic interests with respect to the Western Sahara conflict have been relevant with regard to this second important principle.

By the principle of the inviolability of frontiers inherited from the colonial powers, Algeria has not meant that these frontiers are sacrosanct, but that they can be modified only by consent achieved through negotiation by the interested parties. Thus the frontiers can be altered by political agreement but they may not be violated. Algeria has acted constructively and purposefully on this principle in negotiating with most of its neighbours, notably Tunisia, Libya, Niger and Mali, to determine in a consensual manner, through peaceful diplomatic procedures, the exact location of its frontiers. When Morocco invaded and occupied the Western Sahara, Algeria naturally opposed this as transgressing this second principle. Like its support for the principle of self-determination, Algeria's attachment to the principle of the inviolability of frontiers inherited from the colonial powers is founded on a combination of doctrinal ideal and practical self-interest. As a major African state with a natural ambition to play a role in the continent's affairs, and conscious of the often artificial and fragile nature of the frontiers of the newly independent African states, Algeria has always been a leading supporter of the OAU (now AU) insistence on this principle as a necessary factor of stability. But Algeria's own Saharan frontiers are also artificial. Colonial rule deprived Morocco of its Saharan hinterland but bequeathed to Algeria a share of the Sahara that greatly exceeds the territory to which the pre-colonial Algerian state – the Ottoman Regency of Algiers – ever laid claim. Algeria has consequently had a major strategic interest in all her neighbours accepting and abiding by the principle that frontiers may not be changed except by negotiated agreement.

And her interest in this point has been most acute in relation to Morocco, since the historic party of Moroccan nationalism, the Istiqlal (Independence) Party, publicly laid claim as long ago as 1956 to large parts of the Algerian Sahara as well as to Western Sahara and parts of Mauritania and Mali as integral components of historic "Greater Morocco". It has accordingly been a matter of the greatest importance to Algiers that Rabat should not be allowed to get away with violating a colonial frontier with impunity, lest a dangerous precedent be set. In other contexts (and especially in relation to her other neighbours), Algeria has articulated this principle clearly and to effect. But, while occasionally mentioning this principle in the Western Saharan context, it has been inhibited from emphasizing it. This mainly is because, from the moment the Western Sahara question became subject to the UN-orchestrated attempt to resolve it, it became subject to the UN's definition of the question as a matter of self-determination and

nothing else. It followed logically from this definition that only Morocco and the Polisario Front were concerned parties. To recognise this is not to deny that Algeria early and of its own accord perceived and framed the question in terms of self-determination. But it did so when it had every reason to believe that international law and UN doctrine would support and secure a resolution of the conflict on this basis. What has happened since 1975 is that both international law and the UN have failed to operate coherently and effectively in accordance with the self-determination principle, while the UN's continued insistence on defining the question exclusively in terms of self-determination has trapped Algeria in its original stance. Morocco has often complained, with some reason, that Algeria, in reality is a concerned party and has proposed that it be included in negotiations. Mohammed Benouna told Crisis Group: "There have to be three parties at the table. Polisario cannot negotiate without the blessing of Algeria".³⁴ Mohamed Loulikchi also stressed this: "*Algeria must be directly involved in negotiations. Without Algeria there is no point*".³⁵ Another Moroccan diplomat asserted:

"All it would take to resolve this conflict is for the major countries to pressure Algeria to change its stance. The Polisario would have no choice but to follow".³⁶ But Algeria has been behaving consistently, within the framework of the UN process, in refusing to be drawn into such negotiations and especially one-to-one talks with Morocco to the exclusion of the Polisario Front. The very emphatic way in which it has couched this refusal has clearly impressed the UN as well as many observers. Mohammed Tefiani, director of Algeria's bilateral relations with Africa, said: *Let me make this clear for once and for all. We will not accept bilateral negotiations on the Sahara. We reject any approach that attempts to force an Algerian-Moroccan dialogue on Western Sahara*.³⁷ What has not been sufficiently understood is the logic of this position. Since the self-determination of the Algerian people has not been at issue, the Algerian state could not, as a matter of logic, admit to being a concerned party to the Western Sahara dispute, given that this has been officially defined by the UN as a matter of self-determination. Thus, the narrow definition of the question has obscured a significant aspect of Algeria's principled objection to Morocco's position and behaviour and impeded progress toward resolution of the conflict.

Application of Self-determination.

The concept of self-determination has different meanings. It is very important to underline, in this regard, that Morocco itself had in effect recognised the right of the people of Western Sahara not only to self-determination but also to independence, well before it embarked on its expansionist project leading to the invasion and illegal annexation of Western Sahara in 1975. I will cite a few documented statements made by Moroccan officials to illustrate this.

1. The Moroccan delegate to the Committee of 24, Day Ould Sidi Baba, declared on 7 June 1966 that:

I ask for the independence of Western Sahara as soon as possible and this should be an authentic independence, hence we can get over the actual impasse” (end of quotation).

2. The Moroccan Minister of Foreign Affairs, Mohamed Charkhawi, declared at the 21st Session of the General Assembly, held on 13 October 1966, that:

“Morocco supports a real independence for Western Sahara, putting the future of the region in the hands of its sons which in the context of liberty will decide freely on their self-determination”

3. The late King Hassan II, King of Morocco, stated during a press conference on 30 July 1970 the following (quote):

“Instead of going on claiming the territory of the Sahara, I would make the specific request that a popular consultation takes place, assuring that the first result being the departure of the non-Africans and allowing the people of the Sahara to choose between life under the Moroccan aegis, under their own aegis, or under any other aegis (end of quotation).

4. During the meeting of the Council of Ministers of the Organisation of African Unity (OAU), held in Rabat from 5 to 12 June 1972, Morocco worked actively for the adoption of resolution CM/Res. 272 (XIX), which called on Spain, the administering power of Western Sahara, to enable the people of this territory,

“to exercise their right to self-determination and independence without delay and in conformity with the Charter of the United Nations”

These are just a few examples that demonstrate, beyond any doubt, the recognition by Morocco of the right of the people of Western Sahara not only to self-determination but also to independence, well before it decided to deny them that right by invading and annexing the Territory in 1975.

5. Role of civil society in the occupied territories and how this is strengthening and becoming a key obstacle to effective Moroccan control over the occupied territories (Analogies can be drawn to similar occurrences in East Timor’s fight for independence and the fight against Apartheid in South Africa).³⁸ The protests have been becoming more openly political. Less than two years ago it was extraordinary when students displayed a picture of El Ouali, Polisarios first leader. Now, it may be notable but it is no longer extraordinary. The recent school student demonstrations and the Assa protests were openly pro-Polisario. This poses issues for the civil society movement. Some activists, such as Tamek, are impatient to politicize the movement. He argues that denial of civil rights is a symptom of national oppression. Campaigning for the release of prisoners should simply be a transitional phase ahead of organizing mass demonstrations calling for an independent Sahrawi state, he believes. Repression of such demonstrations

would demonstrate the nature of the Moroccan state to the world. No one can deny that Tamek leads by example. Released from prison less than a year ago having been jailed after he tried to present his candidature papers for Moroccan parliamentary elections, he has been on no less than 17 hunger strikes. He openly calls for an independent Sahrawi state which is illegal and says the current impasse may lead to violence inside the occupied territories which is dangerous. Meanwhile, both Moroccan-occupied Western Sahara and southern Morocco witnessed a number of protests by Sahrawis in December. International Human Rights Day on 10 December saw an attempt by demonstrators to reach the Minurso building in Laayoune. The same day a newly formed group in Dakhla organized a protest, while another took place in Smara. The Moroccan press has been expressing concern at the growth of Sahrawi activism in southern Morocco. Early December saw school students protesting in Zak as well as unemployed graduates and students in Assa, while sit-ins were reported in Goulmime and Tantan. But some other activists are wary of Tamek's approach, believing he undervalues the very type of organization that trained him he first emerged as a trade unionist. They believe that while campaigns aimed at creating a Sahrawi civil society may offer a necessary training ground for political activists, they are valuable in themselves. Sahrawi sentiment, they agree, is overwhelmingly nationalist and so while it would be easy to transform civil rights groups into overtly pro-independence groups, it would invite repression and possibly be counter-productive to the Sahrawi cause. In a letter addressed to the Secretary General of the UN, Ban Ki Moon, 8 Saharawi human rights organizations operating in the occupied zones of Western Sahara expressed attachment to their people's right to self-determination and independence.

4.5.2 Outline of Proposed Strategies before Exit from Western Sahara if Self Determination is Accepted by Morocco and Cautionary Notes.

An international presence does not merely provide a measure of security but in effect constitutes the government of the territory in question³⁹. Bosnia, which has served as a kind of election laboratory since 1996, and Afghanistan, where the United Nations embraced an atypical type of popular consultation in the Loya Jirga of June 2002. As a medium-term peacebuilding strategy, there is implicit deference to the 'democratic peace' thesis, which holds that democracies are statistically less likely to go to war than states that are undemocratic. Over-emphasis on this empirical argument (which has itself been contested) obscures a secondary finding in the democratic peace literature that an autocratic state in the process of democratization may in fact be *more* likely to descend into conflict, especially internal conflict. More often, however, elections may simply be a short-term tactic that is used to encourage actors to buy into a peace process—or they are staged because they are part of an accepted template of what typically happens towards the end of a peace operation.

Timing of Referendum and Institutions and Processes.

If both the contending parties agree to a referendum than UN other international agencies must ensure that Morocco accepts the results of referendum. The basis of referendum

would be the work which was left out by the UN ID commission back in 1998-2001. Both the parties should also agree to a suitable timing for such referendum under the UN auspices and in the presence of international observers. Drafting constitutions and organizing elections have become niche markets in international assistance, accompanied by a proliferation of specialized non-governmental organizations (NGOs) and a broad literature.

Constitutional Structures.

In the literature on post-conflict constitution-building, much emphasis should be placed on the questions of whether a state should be federal or unitary, and whether it should have a strong executive president. These questions are important, but the precise constitutional structures put in place may be of less importance than the legitimacy that they hold in the eyes of the population. Though Japan and, to a lesser extent, Germany are examples of successful states where there was little domestic involvement in the drafting of their constitutions, for the most part 'ownership'—understood here to mean actual control—of this political process has been vital to the stability of the structures that it puts into place. However, if the Sahrawi state is founded, it should focus on these issues which also to be left out to be decided by the indigenous population.

Electoral Systems.

Closely related to the constitutional structure that allocates power is the electoral system that determines who gets to wield it. The design of an electoral system can also have a significant influence on political behaviour. Writing in 1991, Donald Horowitz argued that the electoral system *'is by far the most powerful lever of constitutional engineering for accommodation and harmony in severely divided societies'*. Though there is consensus on the importance of electoral systems, however, there is profound disagreement about how this lever should be used. Since there is one political party and not much the presence of oppositions as such a well agreed electoral system might be chosen by SADR.

Quotas.

Proportional representation should remove the need for quotas to ensure ethnic representation, but quotas have on occasion been used to ensure the participation of women in the political process. The importance of involving women in areas such as peacebuilding and security sector reform is now widely accepted. In October 2000, the Security Council adopted resolution 1325 (2000) that, among other things, urged member states to increase the representation of women in conflict-resolution mechanisms and invited the Secretary-General to study the impact of armed conflict on women and girls, the role of women in peacebuilding, and the gender dimensions of peace processes and conflict resolution. SADR would particularly be interested in incorporating women in their system as they are also the worst sufferer as a consequence of this long drawn conflict. SADR also should arrive in a consensus to integrate the Sahrawis that had been living for generation in the Moroccan side of the territory.

Form and Substance.

Almost as important as the way in which a population votes is the manner in which those votes are counted. Holding a perfect election is comparatively simple when international attention is drawn to the ballot: in Kosovo's 2001 provincial elections, for example, around 2000 international and almost 13,000 domestic observers were registered to oversee an election in which 800,000 people voted. Such levels of oversight—nearly one observer for every fifty voters—are unsustainable. Some energy in East Timor went into the creation of an Independent Electoral Commission, though for the first election Timorese leaders made it clear that they wanted only international staff actually to count the votes. In Bosnia and Kosovo, the OSCE developed a recognized capacity to organize elections; acknowledging the importance of developing local institutions, direct administration of the election process in Bosnia was handed over to national authorities in November 2001. As in many other areas, the danger is that international engagement will set in place systems and standards that cannot be maintained. This means balancing the benefits of one-off international election observation missions (sometimes derided by locals as 'electoral tourism') against the benefits of directly supporting domestic institutions and local observer groups. Underlying the discussion of electoral systems is an assumption that democracy is a necessary and desirable end for a territory in transition, and that the means of achieving it is swift establishment of a universal and secret franchise directly electing senior government representatives. The nascent SADR would also find difficulty in managing such situation. The principal support would be offered from Algeria and Morocco would definitely put up stiff resistance as such a strong international presence is the only solution to this impasse. However for maintaining a sustainable system, more emphasis must be catered for the local organizations which had been thriving over the years in the Tindouf refugee camps.

Political Parties.

In addition to constitutional structures and electoral systems, a third aspect of post-conflict political development that is frequently overlooked is the question of political parties. Should the formation of parties be encouraged? Parties are an important tool for recruiting candidates, organizing constituencies, and aggregating public preferences for expression in political forums. Nevertheless, post-conflict elections can serve as a catalyst for the creation of political parties that are primarily—and sometimes solely—vehicles to provide local elites with access to governing power. Such parties may be little more than a repackaging of the armed groups that fought the original conflict. Here a unison must be sought between the Polisario and SADR members so that at least few political parties are organized for a sustainable future. At present there is none in the SADR side.

Elections, Exits, and Strategies.

The UN's effort considered three circumstances that might prompt discussion of an 'exit' or significant alteration of a peace operation: successful completion of the mandate,

partial success, and failure. But how should one evaluate the success or failure of a transitional administration? The UN Operation in the Congo (ONUC) (1960-4) is regarded by some commentators as having successfully implemented its mandate. Given that what followed was over three decades of President Mobutu Sese Seko's kleptocratic rule, the operation might well have been a success, but the patient died anyway. In a transitional administration, the transfer of power to local hands is the exit strategy, with the international presence shifting into a more traditional relationship of development assistance. How that transfer is managed and what foundations are laid for the future stability and prosperity of the territory should be central to the evaluation of such an operation. Firstly the referendum and lately an election, which are held up as the benchmark of success, are only one part of this process. East Timor, suggests the limits of democratization through encouraging a post-conflict territory to take on the form of democracy without necessarily establishing the foundations for such a political system to be embraced in substance. SADR must also be aware of this phenomenon and guard all out so that such transition does not end up into the creation of another failed state.

Unilateral State Action.

The above discussion centers around the steps the international community as a whole can take in order to resolve the conflict over Western Sahara. Individual states, however, can pursue policies which will greatly affect the outcome of this conflict. At a minimum, by adhering to the policy of "non-recognition" required under international law, individual states can place pressure on Morocco to abide by the norms of international law and its agreements with the United Nations and the Sahrawis. The International Law Commission considers non recognition to be the minimum that is required by states in response to a violation of a peremptory norm, and independent of more forceful measures that can be taken by states through international organizations or unilaterally.⁴⁰ The purpose of non-recognition is to prevent the validation of what is a legal nullity.⁴¹ The duty of non-recognition was succinctly summarized by the International Court of Justice in its 1971 Advisory Opinion on the "Legal Consequences for States for the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970). The Court first affirmed that the General Assembly and the Security Council acted lawfully in declaring South Africa's obligation to withdraw from the territory.⁴² In describing the obligations of states following this declaration, the Court did not rule out all dealings with the South African government, but rather those dealings that would imply recognition of South Africa's continued presence in Namibia as legal.⁴³ The Court found that states were under an obligation to abstain from entering into any treaty with South Africa in which it purported to act on behalf of or concerning Namibia, that they must refrain from applying all such treaties, and that they had to abstain from entering into economic and other forms of relationships or dealings with South Africa on behalf of or concerning Namibia which could entrench its authority over the territory.⁴⁴ The Court affirmed this duty in the absence of any Chapter VII action.⁴⁵ The Security Council has likewise recognized the duty of non-recognition in cases of forced annexation of territory: in response to the Iraqi invasion

and attempted annexation of Kuwait, the Security Council adopted a resolution that called upon all states, international organizations, and specialized agencies, not to recognize that annexation and to refrain from any action or dealing that might be interpreted as an indirect recognition of the annexation⁴⁶.

Cautionary Notes

An analogy might be drawn between East Timor and Western Sahara. Both were invaded in the mid-70s by stronger neighbors immediately after decolonization, and both suffered a bloody occupation. The biggest difference is that East Timor has been free since 2002. Since it became self-determining, though, things haven't improved much for East Timor. While Indonesian troops no longer massacre dissidents or exploit the country's resources, since March East Timor has been engulfed in internal strife. Disbanded soldiers rioted through the streets and people were hacked to death. Since the Prime Minister's resignation things have gotten better, but East Timor has been savaged by the crisis. It's banal to say that self-determination won't solve Western Sahara's problems, but East Timor provides sobering, concrete proof that a post-Morocco Western Sahara could be just another crisis.

4.5.3 Western Sahara and the Laws of War Violated – An Analysis.

My interpretation on the point of Laws of War in Western Sahara is appended below; these conclusions are drawn in line with Jacob Mundy (a fellow researcher on Western Sahara on 27/06/2007- GEES). The findings are:

Jus ad bellum (A Just War).

Morocco's military invasion of Spanish/Western Sahara commenced in 30-31 October 1975. At that time, the colony was fully under Spanish control. Morocco's invasion was motivated by the fact that Madrid was planning a referendum on independence, as called for by the ICJ on 16 October 1975. Days after armed Moroccan forces penetrated Spanish Sahara, thousands of Moroccan civilians -- the 'Green March', with the active encouragement and logistical support of the Moroccan government -- crossed the frontier on 5-6 November, with the expressed intent on marching to the Territory's capital, al-'Ayun. The goal of the Green March was to force Spain to negotiate a hand-over of the Territory to Morocco. Otherwise Spain would have had to repel the thousands of unarmed Moroccan civilian marchers by force. On 6 November 1975, the UN Security Council deplored the Green March and called for its immediate withdrawal (Resolution 380), which Morocco soundly ignored. At that time, the Security Council was unaware of Morocco's military invasion, though Spain brought the Green March to the attention of the Security Council as early as 17 October. At that time, Madrid had called it an invasion. Though the General Assembly took note of the Hispano-Moroccan-Mauritanian agreement, such acknowledgement did not constitute a legal transfer of Spanish administrative authority to Morocco. Thus Western Sahara is remains a Spanish administered territory.⁴⁷ Morocco's flagrant disregard of Security Council Resolution 380, its armed invasion, and its use of thousands of civilians to coerce Spain to negotiate,

all amounted to a severe violation of the UN Charter's most fundamental constraints against the use of force in international affairs. These violations of jus ad bellum are unambiguous when we consider Article Two of the UN Charter:

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

Furthermore, the General Assembly's 1974 Definition of Aggression (Resolution 3314) stipulates that only the Security Council can determine whether an act, such as Morocco's invasion of Spanish/Western Sahara, is justified. Such a judgment was not rendered in Western Sahara, so Morocco is guilty of aggression. The only instance where the use of force has broad international backing is in cases of self-defence. Morocco's invasion was not defensive but very offensive in nature. Whether a territory is self-governing or not, the United Nations was established to prevent what Morocco has attempted in Western Sahara: the expansion of territory by force. Morocco's continued presence thus constitutes an occupation, warranting the full application of International Humanitarian Law (IHL). Given this interpretation, one might ask why the UN Security Council, which is tasked with handling such matters, has failed to address this gross violation of international norms. Most Security Council resolutions on Western Sahara, for example, have come under Chapter VI rather than Chapter VII. Chapter VII deals with 'Threats to the Peace, Breaches of the Peace and Acts of Aggression', which applies to Morocco's actions in Spanish/Western Sahara in 1975 and still do now. Yet Resolution 380 and all Security Council resolutions since 1988 (when the Security Council again became seized of the matter) have come under Chapter VI, 'Pacific Settlements of Disputes'. The reason for this, however, has nothing to do with the letter of the law. The politics in this matter are quite clear: Two of Morocco's strongest Western allies, France and the United States, have historically taken the keenest interest in the United Nations' management of the conflict, much to Morocco's delight. Though Security Council should be commended for withholding recognition of Morocco's attempted annexation, it should be criticised for failing to treat Western Sahara with the seriousness it deserves.

Jus in bello (A war conducted justly).

The specific laws regulating the practices of states in war are primarily the 1899 and 1907 Hague Regulations and the 1949 Geneva Conventions. These come into effect during war and/or occupation. There is no doubt that Morocco's presence in Western Sahara constitutes an occupation under IHL, even though Morocco is rarely described as an occupying power, especially by the most relevant authority on such matters, the ICRC. Again, this does not result from an ambiguity of law, but rather from practical and moral considerations of the ICRC. The ICRC has been active in the Western Sahara conflict, mostly dealing with prisoners of war and civilians who disappeared during the

armed Polisario-Morocco fighting (1975-1991). The ICRC is not obligated to take a formal stance on Morocco's status in the Territory under IHL. Nevertheless, an occupation comes into effect when a hostile foreign force is able to exert control over a territory, regardless of whether or not the invasion was justified. Morocco's control over a section of the Territory is unquestioned. The Moroccan state administers Western Sahara as if it was a part of Morocco proper; for over thirty years, it has attempted to seamlessly integrate Western Sahara socially, economically and governmentally into the rest of the country. Morocco's presence in Western Sahara is therefore an occupation because Morocco is able to competently and fully discharge the duties and obligations of an occupying power. Like the ICRC, the United Nations' apparent reticence to designate Morocco an occupying power is irrelevant. The ICRC stipulates that:

...it makes no difference whether an occupation has received Security Council approval, what its aim is, or indeed whether it is called an "invasion", "liberation", "administration" or "occupation".

However, in 1979, the UN General Assembly (Resolution 34/37) deplored what it called Morocco's occupation of Western Sahara. Furthermore, according to Harvard University's International Humanitarian Law Research Initiative, 'The UN has formally agreed that Western Sahara is an occupied territory; therefore all parties would be obligated to follow the mandates of the Geneva Convention IV'.⁴⁸ Furthermore, it is worth noting that Morocco has explicitly recognized the applicability of IHL to the Western Sahara conflict. On several occasions, the Moroccan government petitioned the ICRC on the issue of Moroccan POWs held by Polisario past the 1991 cease-fire. On 22 February 2002, the Moroccan Ministry of Foreign Affairs and Cooperation, calling for an urgent end to the plight of the POWs, invoked IHL, specifically 1949 Geneva Conventions.⁴⁹ Given that the situation in the Moroccan occupied Western Sahara warrants the application of *jus in bello*, there are several egregious and ongoing violations of IHL worth noting under this framework. The most noteworthy -- especially with respect to the peace process -- is Morocco's blatant attempt to demographically change the ethnic make-up of Western Sahara, from indigenous Sahrawis to predominantly Arabs and Berbers of Moroccan territorial origin. Under IHL, occupying powers are explicitly forbidden from transferring their own population into the occupied territory (Article 49 of the Fourth Geneva Convention). Population estimates suggest that the Moroccan settler population now outnumbers the indigenous Sahrawi population by as much as two-to-one.

Second, Morocco should, under IHL, allow the ICRC access to all non-Moroccan detainees in its prisons. Morocco is currently holding a significant number of Sahrawi political prisoners; most of these are being held for simply expressing their views in a peaceful manner. The most notable case is Brahim Sabbar, a former victim of forced 'disappearance' who spent years in a secret Moroccan prison in the 1980s. In recent years, Mr. Sabbar has become a prominent Sahrawi human rights activist. He was arrested last year and imprisoned following dubious criminal proceedings.⁵⁰

Third, it is worth noting that during the war for Western Sahara (1975-1991), Moroccan forces also committed war crimes. The most notable and documented case was the bombing of civilian encampments of internally displaced Sahrawis during the early phases of the war in late 1975 and early 1976, a clear violation of Hague Article 23. Furthermore, the international community should pursue investigations into other war crimes, including documented cases of long-term enforced 'disappearance' and allegations of widespread extrajudicial executions. To this day, the Moroccan government has failed to fully account for several hundred Sahrawi civilians that 'disappeared' into Moroccan jails from the 1970s to the 1990s.⁵¹

4.5.4 A Gandhian Approach for Conflict Resolution.

It appears from the forgone discussion that both the contending parties are locked into a single issue with much of rigidity – self determination/autonomy. There may be many aspects (e.g. territorial integrity) that Morocco thinks pertinent as it does not want to retard from the issue of breaking up of its southern part into a fully fledged independent Sahrawi nation state. But in the core of the conflict there oscillates a fundamental issue which is being overlooked by Morocco and UN altogether – whether to award the right of self determination to the Sahrawi people or not. None of the international or UN actions is precipitating this issue towards a conclusive pattern due to various factors as discussed before. So there comes the all time applicable sermon of Mahatma Gandhi as he proclaimed on January 26, 1930, (during the Sawarj movement) that all over India people should fly the flag of independence and on that day he announced a Declaration of Independence:

We believe it is the inalienable right of the Indian people, as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities for growth. We believe also that if any government deprives a people of these rights and oppress them, the people have a further right to alter it or abolish it. The British Government of India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses and has ruined India economically, politically, culturally and spiritually. We believe, therefore, that India must sever the British connection and attain Purna Sawaraj or Complete Independence.⁵²

Gandhiji tried to obtain the Purna Sawarj in his own term and within a unique circumstance which was prevailing in the then British India. His struggles to obtain it was not abstract though appeared to be lofty in a sense that these were often branded as ideal not real. But the fact of the matter always indicates that British Raj had to dwell with this apathetic leader and his followers with reasonable uneasiness/discomfort and bent their iron rules many a times only to realign with his demands. In the question of Saharawi struggle for independence, the context might be different but the ideology and the motives are not. The non-violent approach that Gandhiji preached throughout his life to obtain Sawaraj needs to be reviewed in its own merit and applicability in the present

context of Western Sahara. There are sparks of such desire seen here and there; especially the movement carried out by Aminatou Haider in securing the human rights of Sahrawis in recent days. The leaders of Sahrawi movements need to chalk out a unique strategy that would fit their situation and political aspirations to overthrow the yoke of suppression. If we ponder inwardly we would see which constitutes the causes of conflict - a fundamental violation and coercing of Human Rights. Gandhiji in his later days (1934 onwards) started his massive campaign for the Harijans – The Untouchables (children of the God) and it was all about the Hindu caste system which turns out to be a great oppressor in the Hindu community. He had to pay dearly even with his life to solve this issue which still pervades the Hindus at length and breadth. This oppression of Harijans within the same society was difficult to answer and eradicate. But as the basic tenants were violated in the name of segregation, all embraced the issue with good spirit except the Hindu radicals. Here comes the analogy to Western Sahara conflict – the cause need to be universal so that it transcends the boundary of shallow geo-political prejudices. The cost of the conflict in Western Sahara is too much to bear and the international community must be a party to such a legacy of injustices. The leader of SADR or Polisario must workout such strategies which should be able to draw widespread spectators/observers worldwide to internationalize their cause. In doing so they also must abandon any strings they are attached to now and should be free to dictate their own terms. The burden of geopolitik/realpolitik is difficult to overthrow but the will power of the populace can do this monumental task easily. If we refer back to Gandhiji while he mentioned;

“A nation of 350 millions does not need the dagger of the assassin, it does not need the poison bowl, it does not need the sword, the spear or the bullet. It needs a will of its own”.

As mentioned earlier, in today’s world the terms and condition of realpolitik is so pronounced and vivid that we can evaluate Morocco and its allies role play in this conflict. Leaving aside the petty prejudices and perceived threats that superpowers always deemed necessary to expand their sphere of influences globally, there has to be some way out of handling humanitarian crisis caused directly by the conflict. A universal appeal need to be laid out to all to sympathise with the cause where humanity at stake. Like the settlement of Timorese case there might be some resolution which can bring the peace in Sahara. It is worthwhile again to mention a letter which was written by Gandhiji to Herr Hitler in the eve of his height of his power, with all Europe under his domination and his armies deep in Russia. Let’s ponder where is the voice of conscience which will guide us through the despair and hopelessness. The letter⁵³ is mentioned below:

Dear Friend,

.....But your writings and pronouncements and those of your friends and admirers leave no room for doubt that many of your acts are monstrous and unbecoming of human dignity especially in the estimation of men like me who believe in universal friendliness. Such are your humiliation of Czechoslovakia, the rape of Poland and the swallowing of

Denmark. I am aware that your view of life regards such spoliations as virtuous acts. But we have been taught from childhood to regard them as acts degrading to humanity. Hence we cannot possibly wish success to your arms.

But ours is a unique position. We resist the British imperialism no less than Nazism. If there is a difference, it is in degree. One-fifth of the human race has been brought under the British heel by means that will not bear scrutiny. Our resistance to it does not mean harm to the British people. We seek to convert them, not to defeat them on the battlefield. Ours is an unarmed revolt against British rule. But whether we convert them or not, we are determined to make their rule impossible by non-violent non-cooperation. It is a method in its nature undefeatable. It is based upon the knowledge that no spoliator can compass his end without a certain degree of cooperation, willing or compulsory, from the victim. Our rulers may have our land and bodies but not our souls. They can have the former only by complete destruction of every Indian man, woman or child. That all may not rise to that degree of heroism and that a fair amount of frightfulness can bend the back of revolt is true, but the argument would be beside the point. For, if a fair number of men and women can be found in India who would be prepared, without any ill-will against the spoliators, to lay down their lives rather than bend the knee to them, they will have shown the way to freedom from the tyranny of violence. I ask you to believe me when I say that you will find an unexpected number of such men and women in India. They have been having that training for the past twenty years.

In non-violent technique, as I have said, there is no such thing as defeat. It is all "do or die" without killing or hurting. It can be used practically without money and obviously without the aid of the science of destruction which you have brought to such perfection. It is a marvel to me that you do not see that it is nobody's monopoly. If not the British, then some other power will certainly improve upon your method and beat you with your own weapon. You are leaving no legacy to your people of which they would feel proud. They cannot take pride in a recital of cruel deeds, however skillfully planned. I therefore appeal to you in the name of humanity to stop the war.

During this season when the hearts of the peoples of Europe yearn for peace, we have suspended even our own peaceful struggle. Is it not too much to ask you to make an effort for peace during a time which may mean nothing to you personally, but which must mean much to the millions of Europeans whose dumb cry for peace I hear, for my ears are attuned to hearing the dumb millions. I had intended to address a joint appeal to you and Signor Mussolini, whom I had privilege of meeting when I was in Rome during my visit to England as a delegate to the Round Table Conference. I hope that he will take this as addressed to him also with the necessary changes.

The letter itself is self explanatory and understandable which calls for some universal appeal for the resolution of conflict. The conscience of oppressors needs to be invoked in such an extent through self sacrifice that he must be drawn to a condition to address the issue.

4.6 Interviews and Various Published Reports and Speeches and Related Analyses.

1. **Interview no 1.** Interview with the researcher and Brahim Bedileh, commander, 2nd military region (Tifariti), Polisario Front, 25 August 2001. Details of the interview are at Annex E to this chapter.

The Findings.

In this interview, the military region commander of Polisario strongly reiterated that they would liberate this land eventually. What is important to note here is the determination that was reflected in his tone. At the same time, the commander expressed his dissatisfaction and frustration about the ineffectiveness and slackness of the UN for resolving this conflict. Too many times the injustices had been caused upon the Sahrawis and the western powers were collaborating with Morocco for sustaining this conflict for an indefinite period. Polisarios are volunteer fighters and they are fighting with a just cause. As per the MINURSO's ceasefire terms, Polisarios are observing it strictly but Moroccan army is gradually increasing their military capabilities. This is a clear violation of the ceasefire treaty and nobody is paying any attention to it. The number of Polisario fighters were not increased neither their equipment. Again, he expressed that if there was any chance of resumption of violence, then the Polisarios will come out winner as they are fighting for a right cause – to liberate their motherland. The Polisarios are unified and the regular members are gradually increasing as more young people are volunteering to join. The newly recruited Polisario's training is being carried out in and round Algerian border, (the exact locations are unknown). This interview was taken at Tiffariti (one of the small habitable place under the Polisario controlled area). While interviewing, presence of interpreter is mandatory who also acted as Liaison officer on behalf of Polisarios. Mostly they spoke Spanish and Arabic (Hassaniya dialect) and little English.

2. **Interview no 2.** A three-member delegation report of Australian Unionists visiting Western Sahara refugee camps was also scrutinized. The researcher met the delegation at Tindouf. Details of the findings from the interview are appended below.

The Findings.

Saharawi people live a precarious life; they are in a place of being or not being. This is clearly manifested in this interview. Since the founding of SADR, Sahrawi officials are holding a number of administrative posts; represent the SADR (a government in exile). The refugee camps at Tindouf of Algeria, is highly organized and well structured but invariably suffer from the adequate stock of food and other essential medicines. Mostly, the inhabitants suffer from malnutrition as the camp totally depends on food aid by UNHCR and other international donor organizations. Of late, an attempt has been made to grow some amount of food grains/vegetables around the camps but these are not substantial to meet the total requirement. The minister spoke on various issues of which his reiteration of falling back to their own land was significant. Every Sahrawi is aware

of the fact they are driven out of their land and the craving for their motherland did not fade away despite of 30 years. Among the young generation of refugees, the education gets top priority and many Sahrawi boys and girls achieved higher education in various countries like; Spain, Cuba, Brazil, Morocco etc. This higher education is making them able to take up the leadership in due course of time. They are well articulated and are able to speak multilingual. A growing number of Sahrawi refugees are also being educated in Cuba, which is more sympathetic to the Sahrawi causes. The plights of refugees are also attracting world attention gradually as more press coverage and journalists are allowed to visit. Women perform a greater role in camp administration as most of the males are either recruited in Polisario or busy with earning their livelihood in some countries by taking temporary refuge. These womenfolk are persevering and work hard daylong to bring their children up and maintain the health and hygiene of the camps. A number of times, I visited Rabuni – a camp in Tindouf where MINURSO has a liaison office. The primary role of this liaison office is to maintain communication with Polisarios. Going out of Rabuni was prohibited as Algerian military and police actively guarded these.

3. **Interview no 3.** Statement of Mr Mahfoud Ali Beiba, head of the delegation of the Frente Polisario, Greentree Estate, Manhasset, New York, 10-11 August 2007 in one of the UN sponsored negotiations had also been scrutinized which was sent by the officials stationed in Layyouné now. Details of the findings of the interview are appended at below.

The Findings.

Security Council resolution 1754 (2007), which called upon the two parties to enter into negotiations, in good faith, with a view to achieving a mutually acceptable political solution that would provide for the right of the Saharawi people to self-determination is the prima facie of the conference which was held in New York. By now many UN initiated negotiation process failed and very recently, all had envisaged Direct Negotiation. In this statement, the Polisario delegate categorically mentioned the latest stand of Polisario/SADR on the fundamental issue of this conflict – the right to self-determination. As I was serving in MINURSO, the ID commission did not wrap up its tasks. I talked to UN officials serving there, who were aspiring to complete their job within a short time. By the end of 2001, as good as 100, 000 Sahrawis were documented eligible for voting. This task itself was not a very easy one as the identification criteria and condition of fieldwork often collided. *The Council of Elders* was often confused and a constant threat from Moroccan authorities loomed large. However, despite of these obstacles, UN ID commission was completing their task. This identification would play a major role in the promised referendum. In this conference, it was further reiterated how Morocco was oppressing the inhabitants of this land. Polisario authorities would only want the referendum to be held under UN auspices and if the people decided to join the Moroccan confederation, they would graciously accept it. Otherwise if it would lead to independence then Morocco should also accept it with good grace. Moroccan autonomy

plan is never an alternative to the aspiration of Polisario/SADR. The speech and subsequent resolutions were found from UN archives.

4. **Interview no 4.** The Saharawi Republic rejects King's Mohamed VI's new intransigent position, a statement by the president of the Saharawi Republic and a letter written to UNSG Ban ki Moon in 2009, by secretary general of POLISARIO Front had also been analyzed. Details of the findings are appended below.

The Findings.

UN called through resolution 1754 for negotiations, without preconditions, between the parties with a view to achieving a mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. Recently, the King put forward the autonomy plan and by which he wanted unilaterally to set the rules of the game by imposing the framework and the end result of the negotiations. This is an exorbitant and unprecedented claim in the contemporary international relations. The secretary general of Polisario very categorically rejects the Morocco's new found autonomy plan where again Western Sahara was considered as a territorially integrated land of Morocco. The autonomy plan briefly suggested allowing limited autonomy keeping the matters, which are directly related to territorial sovereignty in Morocco's hand. After so much effort that had been taken by UN to put the parties in the negotiating table, Morocco did not step an inch out of its previous claims. In his letter to UNSG, the Polisario leader highlighted the recent Moroccan Army's build up in the northern region close to the Berm - a direct violation of cease fire treaty and military agreement no: 1. Morocco should immediately come back to the international norms and regulation and stop showing aggressive attitudes and keep on violating the human rights issues indefinitely. Polisario leader reiterated the earlier stance, which was to hold a referendum under UN auspices. The last paragraph is worth quoted here:

"The Frente POLISARIO would also like to seize on this opportunity to hold the international community witness to the intransigent position declared today by the King of Morocco, which threatens with undermining the commendable efforts deployed by the UN Secretary-General and his Personal Envoy as well as by many of good will around the world".

The statement and letter were found in the Polisario liaison office and UN archive.

5. **Interview no 5.** This interview was taken by Mishal Hussain in 'Sahara Marathon: Host Interview Transcript', on August 19, 2004. Former U.S. Secretary of State and former Personal Envoy of the UN Secretary General to Western Sahara, James A. Baker III discusses the protracted conflict in Western Sahara with host Mishal Husain. The excerpts of the statement and letter are at Annex K.

The Findings.

Here James Baker explained his and UN's role in resolving Western Sahara conflict, which ended up in a stalemate. Morocco's subsequent non-adherence to the proposal was made clear here. This was found in UN Archive.

Various Published Reports and Speeches.

1. *Getting to "Yes": Resolving The 30-Year, Conflict Over The Status of, Western Sahara, Hearing, before the subcommittee on Africa, global human rights and international operations of the committee on international relations house of representatives, one hundred ninth congress, first session, November 17, 2005, serial no. 109-104.* Details of the speech is at Annex L.

The Findings.

This piece of speech by SUZANNE SCHOLTE, *president, defense forum foundation and chairman, U.S.-Western Sahara foundation* is particularly significant. It highlighted from a western point of view, the very basic tenets on which this conflict is thriving day by day. Being a US citizen and holding a responsible official position, she emphatically mentioned about the Moroccan repression and abuse of human rights with special emphasis of the death of Hamdi Lembarki – a young Sahrawi who was killed in police custody. It is worthwhile to mention that, she drew very interesting historical and political dimensions of this conflict. As a proof of good gesture, the Polisarios welcomed the Christian missions to visit the refugee camps and invited to open up churches in the liberated territory in future, they welcomed Jews to come down and share their beliefs. In the similar manner, the Polisarios aspire that, as they believe in a personal relationship with God, they do not believe the state should intervene in this relationship and hence, they have long been banned from Mecca by the Wahabbists Muslims. In addition, this explains Morocco's desire to erase them politically. With the growing recognition of SADR by over 75 countries is a sheer indication of their future survival in the forum of independent countries. The common tie in the struggle for independence is also seen in the East Timorese and they were first to recognize the SADR upon achieving their statehood. US – Morocco tie in the name of fight against terrorism will not gain its ground unless the repression both economically and militarily by Morocco is checked. It is high time that US must ponder again on its earlier commitments to Morocco and put pressure on them so that it rethinks its position on Western Sahara. Until now, Sahrawis are protesting non-violently, at least since 1991. Nevertheless, failing such a situation will rekindle violence in this region. Failing to get Morocco out of Western Sahara will also mean to world body that invasion, aggression, and war are the means to achieve one's end. It will prove to Morocco and *other would be aggressors* that, invasion and aggression are the logical answers to settle the scores too. It will further prove to the Sahrawis that, laying down their weapons and agreeing to the cease-fire was a terrible mistake. The Human rights report at the end highlights few factual incidents and recommendations if implemented will bring peace to this conflict zone.

The statement and report were found in the official archive.

2. A RESOLUTION OF EUROPEAN LIBERAL YOUTH (LYMEC) IN BERLIN, Published: 22.04 - 2007 13:27, Press Release, 22 April 2007, Young Liberals of Norway had been analyzed.

The Findings.

An organisation like LYMEC has demonstrated an interesting episode in the history of Western Sahara conflict. The rise of fourth party/group (generally the parties involved in conflict are; Morocco, Polisario/SADR and the UN) as a civil society or friend for Western Sahara is steadily gaining ground. So far, the conflict was highly regionalized and Morocco was successful with the help of UN to localize the issue. But due to the wider press coverage and relentless work of the Sahrawi dissidents abroad, such groups are voicing their demand frequently. Norway always champions the various causes for peace and one such attempt by LYMEC can be an indicator that the Saharan cause would be a milestone in the history of manmade conflict. It calls upon the EU and all European states to formally recognise the SADR as an independent state, exclude from all trade agreements with Morocco products originating from the occupied territories of Western Sahara and put pressure on Morocco to respect the human rights of all Sahrawis and to release all prisoners of conscience. If a number of organizations proliferate like this for the Western Saharan cause, it will eventually build political pressure on European countries and specially on France (Morocco's staunch ally).

3. The Collective of the Saharawi Human Rights Defenders (CODESA), August report on human rights in Western Sahara (09/08/2007). Details of the resolution had been analyzed and findings are appended below.

The Findings.

As a result of the peaceful demonstrations calling for the Sahrawi people's right to self-determination and denouncing the flagrant violations of human rights perpetrated by the Moroccan state in the Western Sahara, the United Nations High Commissioner of Human Rights (UNHCHR) paid a visit to El Aaiun(Layyoune), Western Sahara on May 17-19 , 2006. The aim of the visit was to look into the human rights situation, as it had been urged by many human rights associations, Sahrawi human rights defenders and many international human rights organizations. The UNHCHR published a report, ended with a number of recommendations, which asserted that these violations are associated with the call for self-determination. The report also confirms the Moroccan state's responsibility for the violations committed in the part of the territory under the Moroccan colonialism. Yet, the Moroccan state has been intensifying its crimes against the Sahrawi people, which has been of a great concern to multiple human rights associations and NGOs. A series of incidents as highlighted in this report bears the testimony of the fact. It also draws the conclusion basing on the fact that, there are few indicators, which proves that Western Sahara is under repressive regime. The indicators are; the continuous existence of the military and security siege, the schools are places of

repression, examples of places where the Moroccan security forces exist (this was also prevailing during my tenure in El Aaiun in 2001), the arrests of children, women without discriminating, the situation in the Black Prison of El Aaiun, the human Rights Activists' situation, the exclusion and sacking of work, forced job transfer and other kinds of harassment against the human rights defenders. As a matter of fact, there is no denying the fact that, human right abuse has increased from year 2001 to 2007 as visibly documented by this organization.

This report is published in the Sahrawi CODESA newspaper. Internet version is also available.

4. **Speech no 1.** Human rights violation and Aminatou Haidar's participation in the conference on Western Sahara in Pretoria, South Africa. Details of the speech are at Annex M to this chapter.

The Findings.

Aminatou Haidar is a human right activist and winner of the 2008 Robert F. Kennedy Human Rights Award. She is also the president of *Collectif Des Defenseurs Sahrawis Des Droits De L'homme* 'CODESA' which is still banned by the Moroccan administrative authorities and the *Association Sahrawie Des Victimes Des Violations Des Droits De L'homme* 'ASVDH' which is also facing the same fate. Her role in the conflict is particularly important as she once was persecuted and jailed by Moroccan authority. Later it sparked a non-violent protest against the Moroccan occupation in Western Sahara. Since May 21, 2005, this non-violent uprising of the Sahrawi population gained momentum, proclaiming its right to self-determination. Since then, wherever there is a strong concentration of Sahrawi, demonstrators have gathered in public squares or on university campuses chanting slogans proclaiming their right to self-determination and waving Sahrawi flags. In her prize receiving speech, she outlined a new strategy to protest non-violently and thereby recognised as 'Sahrawi Gandhi'. She has demonstrated that, beside armed struggle in today's world, there are ways to protest which can be equally stubborn in attitude and determined to achieve its goal.

Her speech was published by J.F.K foundation in Washington.

5. Address of Kerry Kennedy (14/11/2008), Special: Robert F. Kennedy Human Rights Award. Details of the resolution are at Annex N to this chapter.

The Findings.

Kerry Kennedy is the daughter of John F. Kennedy and since 1981; she is working as a human rights activist. On the eve of her father, Robert Kennedy's 83rd birthday, she was honouring Aminatou Haidar, with the Robert F. Kennedy Human Rights Award. She said, '*Aminatou is a courageous leader in her people who are struggling for almost half-century long battle to realize their inalienable right to self-determination*'. Her speech and recognition of Western Sahara cause is termed as an important milestone and might

be of some importance to move the US administration's mood in Washington in future. Morocco voiced its dissent on the prize and recognition of the Sahrawi cause a number of times by now. Her quotation on the achievement of Aminatou Haider is worth mentioning, *'Nobel Prize Laureate and holocaust survivor Elie Weisel says that the opposite of love is not hate; the opposite of love is indifference. For years, indifference has characterized the international community's posture toward the Western Sahara. But Aminatou's love for her people is so affecting and her words of so full of truth and promise, that she may yet turn the tide of history itself and renew our faith that good ultimately triumphs over evil'*.

Her address was found in Robert F Kennedy Memorial, 1367 Connecticut Avenue, N.W. Suite 200, Washington D.C. 20036.

6. **Letter no 1.** President, Thabo Mbeki, Republic of South Africa, August 1, 2004 to His Majesty King Mohamed VI, Rabat, Kingdom of Morocco. Details of the letter are at Annex O.

The Findings.

In order to bring pressure on Morocco, South Africa played an important role since long. The former South African president unequivocally expressed his and his peoples mind in supporting the cause of Western Sahara. Since the period of Nelson Mandela, the pressure on South Africa was mounting not to recognize SADR. As Thabo Mbeki took over presidency, it remained like this, which greatly undermined the AU's (former OAU's) effort in the peace process. But finding the reality and stubborn attitude of the Morocco not to solve the conflict, South Africa recently changed its approach towards the cause. Indeed it is a great political victory by SADR to achieve recognition of South Africa. As the letter expresses that, for South Africa, not to recognise SADR in this situation is to become an accessory to the denial of the people of Western Sahara of their right to self-determination. This would constitutes a grave and unacceptable betrayal of South Africa's own struggle, of the solidarity Morocco extended to us, and our commitment to respect the Charter of the United Nations and the constitutive act of the AU. As a result, recent Assembly of the African Union agreed that South Africa should host the Pan African Parliament. The people of Western Sahara will be entitled to send their elected delegates to this parliament, as representatives of the people of SADR. It would clearly be untenable that South Africa should deny these delegates entry into the country on the basis that South Africa does not recognise them as legitimate representatives originating from an African State that is recognised by the AU and participates in its works as a Member State. If SADR can exploit such success, it is not very far that Morocco will be brought into another type of reality where SADR will be found sitting with other nations in a regional forum.

This letter is quoted from AU archive.

7. **Letter no 2.** Saharawi civil society in the occupied zone reiterates attachment to self-determination, by an open letter on 08/08/2007. Details of the letter had been analyzed and findings are appended below.

The Findings.

As mentioned before, there is a significant rise of Civil Society in occupied Western Sahara now a days and their voice is gradually being heard all over it. The organizations that petitioned here are; Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH), Sahrawi Support for the Right of Self-Determination in Western Sahara, Commission for the Protection of Sahrawi Prisoners in Moroccan Prisons, Saharan Committee of Families of Martyrs who Died in Moroccan Secret Prisons, Saharan Committee of Families of Disappeared Sahrawis, Committee Against Torture in Dakhla, Sahrawi Committee for the Defence of Human Rights in Samara, Committee for the Support of UN Settlement Plan and the Protection of Natural Wealth of Western Sahara. They represented various cross sections of the people and want to establish various types of rights. In their letters they also recommended a set of proposals which are identical to the Norwegian efforts mentioned earlier.

This letter was found in the Polisario office at Tindouf and verified by Polisario authorities by an interview dated 12/06/2001.

8. **A Book Review.** Excerpts verbatim from: *"Surrender Is Not an Option: Defending America at the United Nations and Abroad"* By John Bolton. Detail of the excerpt had been analyzed and findings are appended below.

John Bolton was appointed as the US ambassador to UN on March 7, 2005 by President Bush Jr. He documented his effort in resolving the conflict in Western Sahara from both US and UN perspective. His book is worth reading and caste a different view on the US and UN bureaucracies, which are presumably the stumbling blocks of settling the dispute. He compared the case of Darfur in Sudan with Western Sahara and it is worth mentionable too. He further suggested to withdraw MINURSO which might be the only solution to this problem when Morocco and Algeria might acquiesce to resolve the crisis. The important aspect which are drawn from the excerpt is; US's indifference to the lasting settlement of the dispute (which is disguised under the rhetoric of stopping Islamic militant to take control in the Maghreb), UN's total failure to fulfill the mandate due to its bureaucracy and MINURSO's going out of Western Sahara as a final solution.

The book was consulted to draw the useful lessons as mentioned above.

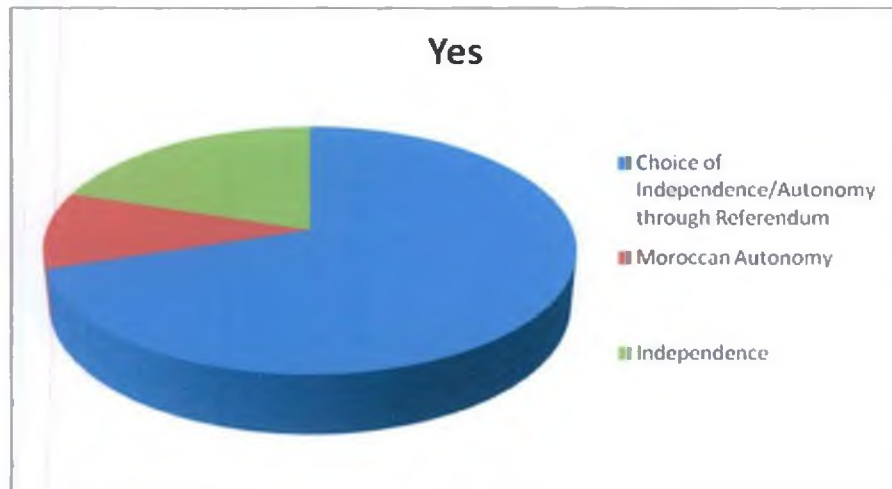
9. **Landmine Report.**

Western Saharan land is littered with mines and unexploded ordnance (UXO) because of years of conflict. No in-depth landmine impact survey has been conducted. The 1991 cease-fire resulted in a territory that is divided between the Polisario and Morocco by defensive walls built by Morocco, (known as Berms), which Morocco has fortified with antipersonnel and anti vehicle mines. Despite the landmine problem, approximately

10,000 Saharawi nomads live in mine-affected areas on both sides of the Moroccan berms. Under bilateral military agreements signed by Polisario and Morocco in early 1999, both parties have committed to cooperate with MINURSO in the exchange of mine-related information, marking of mined areas, and clearance and destruction of landmines and UXO in the presence of MINURSO observers. In June 2002, Polisario stated that it has issued clear instructions to cooperate with MINURSO and provide any available information, assistance in marking and destruction of mines and UXO. It also indicated that it provided MINURSO with all maps and necessary information in 1991. The UN reported that between April 2002 and January 2003, the Royal Moroccan Army carried out 36 disposal operations in the Western Sahara and the Polisario Front carried out 9 such operations. In May 2003, the UN reported that MINURSO had monitored another 16 disposal operations carried out by the Royal Moroccan Army in Western Sahara. There were numerous mine related accidents recorded of which the principal victims are Sahrawi nomads/Bedouins who move around places to place for livelihood. It has been alleged number of times by Polisarios that the Moroccan army is upgrading their minefields gradually which MINURSO personnel are unable to monitor.

The Findings.

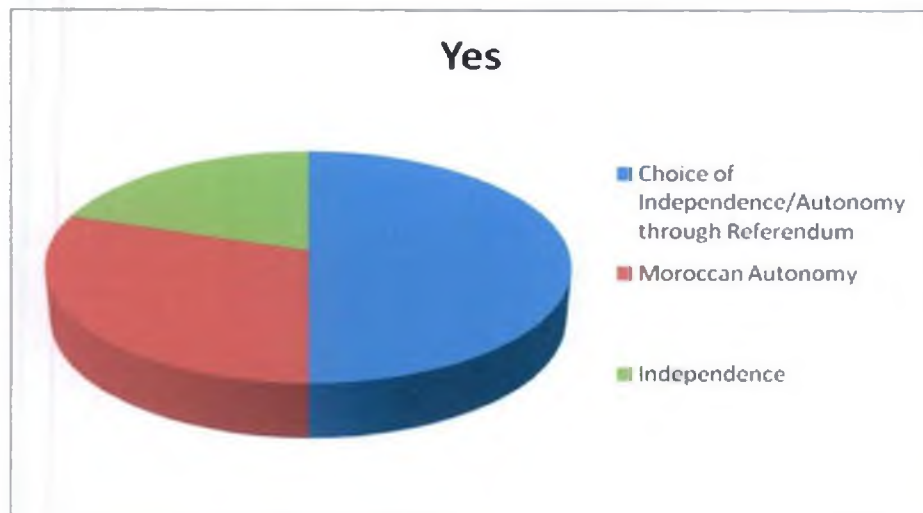
The minefield and UXO marking are primary responsibility of MINURSO. I participated in it while I was performing my duty in the Polisario side. It is difficult to locate though both sides carry out periodical destruction in the presence of MINURSO personnel. The movement in the occupied territory is not safe due to the presence of earlier mines and UXOs.



Graph - 7

Explanation: A survey was carried out on 100 Sahrawi refugees in Rabouni, Tindouf to determine the level of awareness of peace process and ultimate decision of resolving the conflict. Mostly they opined for referendum to determine for autonomy or independence.

The Summary of the Opinion Poll Undertaken in Moroccan Controlled Area.



Graph - 8

Explanation: A survey was carried out on 100 Sahrawi refugees in El Ayun (Moroccan Side) to determine the level of awareness of peace process and ultimate decision of resolving the conflict. The percentage for accepting referendum process is lower than the Polisario side as it was evident that they were better in Moroccan side. Still they want a referendum to decide for independence or autonomy.

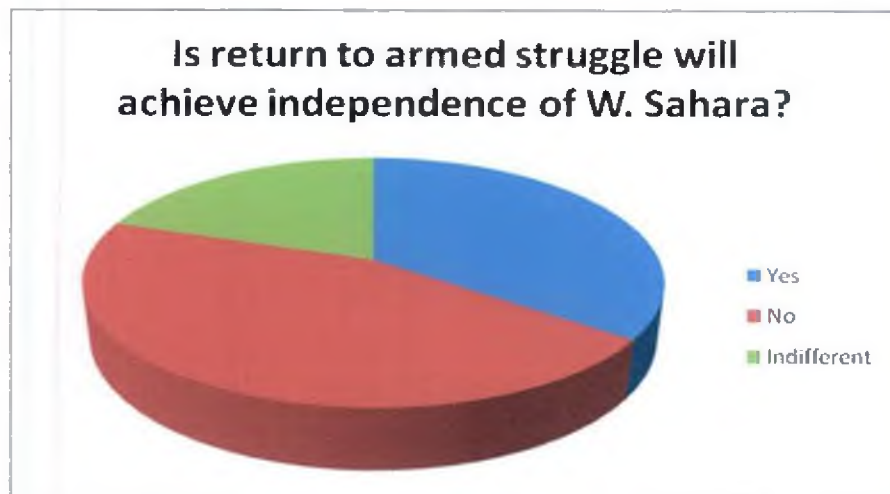
The Summary of the Opinion Poll Undertaken in Both the Sides.



Graph - 9

Explanation: A survey was carried out on a mix of 100 Sahrawi, Moroccan population those who came from working class in hospital, bank, transport sector, business community and teachers. They opined that, UN was mostly ineffective

The Summary of the Opinion Poll Undertaken in Both the Sides.



Graph - 10

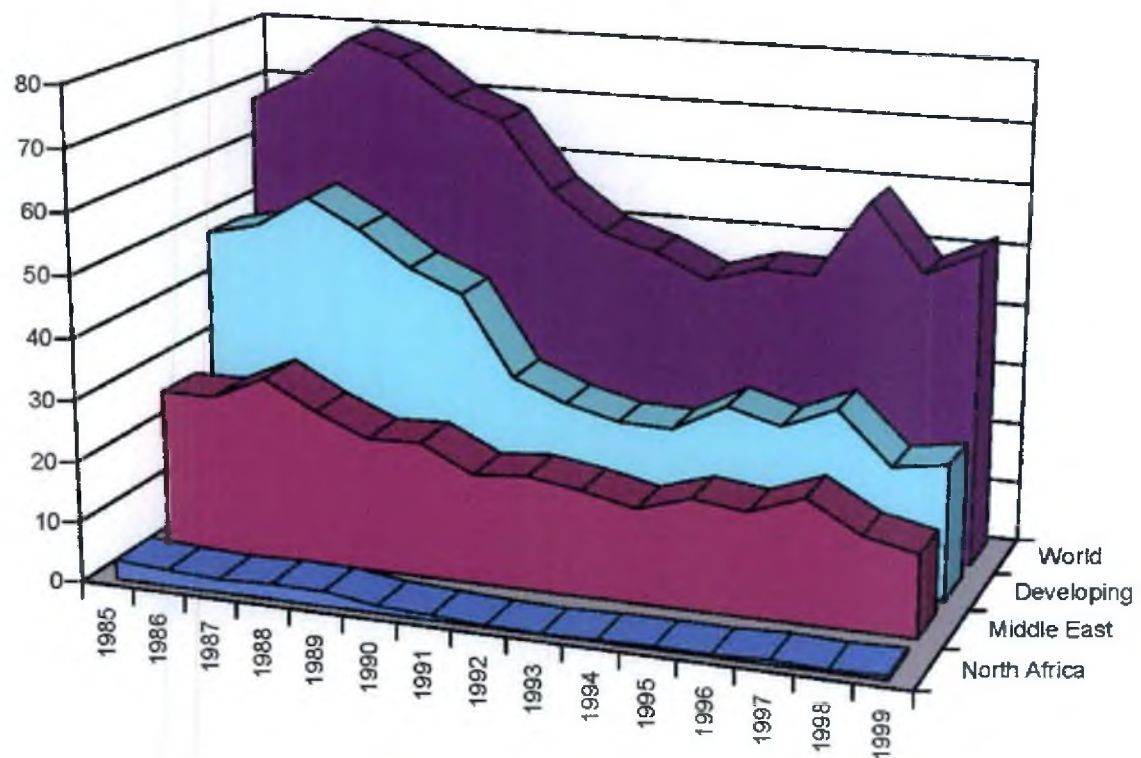
Explanation: A survey was carried out on a mix of 100 Sahrawi, Moroccan population living on both the sides. Though the result is a close tie but majority Sahrawi believes that return to armed struggle will hardly make their life better and achieve the end state of self determination.

4.7.1 The Trend in Maghreb Countries in Arms Related Matters, Military Expenditures and Strength

These will speak the different scenarios in the key countries in Maghreb, which has direct bearing in the Western Sahara conflict.

North African Arms Deliveries Are Declining, and Are a Minor Portion of the World Market: 1985-1999

(Arms Deliveries in Constant \$US 1999 Billions)



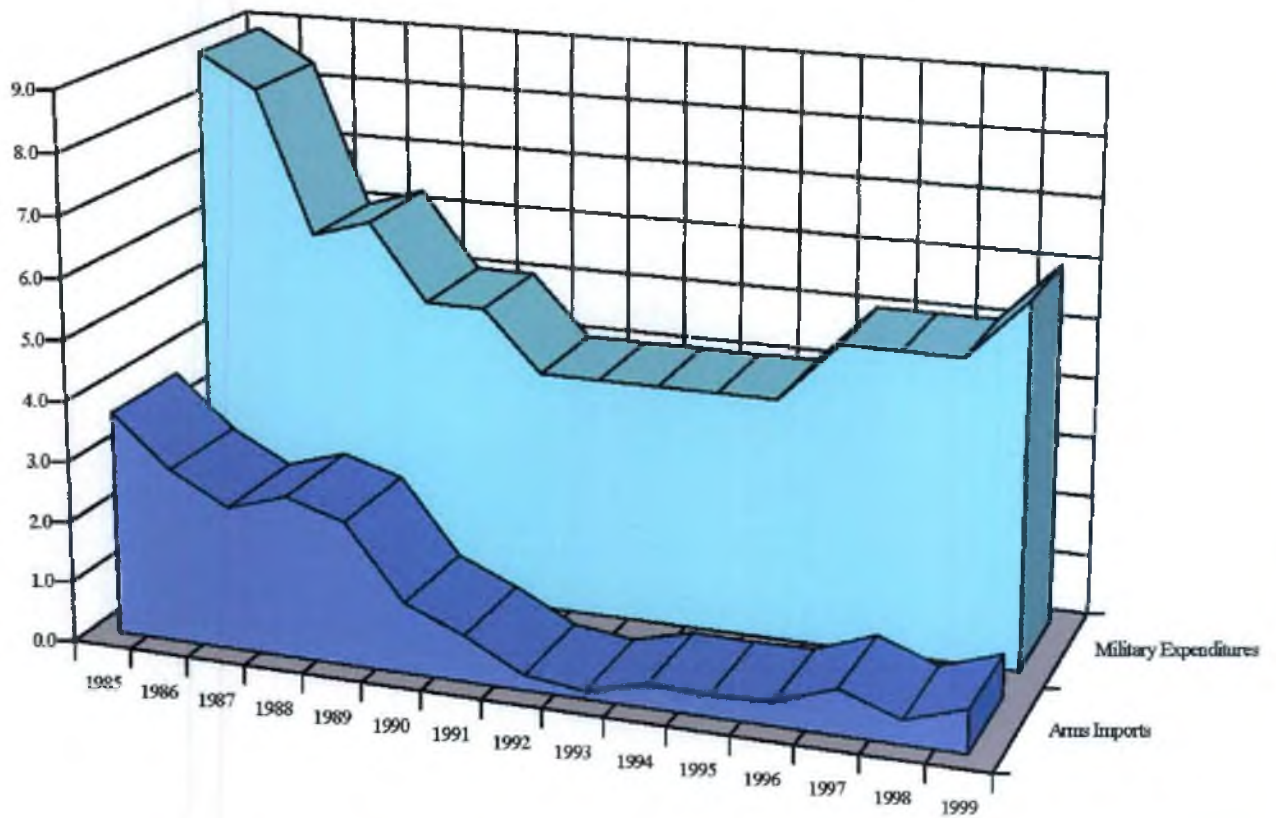
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
North Africa	3.2	2.6	2.2	2.5	2.4	1.2	0.8	0.3	0.1	0.4	0.4	0.4	0.7	0.4	0.7
Middle East	26.2	26.2	30.2	25.6	22	22.3	18.1	18.8	17.5	15.5	18.2	17.1	20.3	15.4	13.5
Developing	48.7	50.7	56	51.5	45.8	42.2	29.1	25.7	23.6	23.3	28	25.6	29.3	20.9	22.2
World	67.9	72.5	79.3	76.5	70.5	67.2	56.2	49.9	47.4	43.5	46.1	45.8	58.4	47.5	51.6

Graph - 11

Source: Adapted by Anthony H. Cordesman from Bureau of Arms Control in the US State Department, World Military Expenditures and Arms Transfers, various editions. Middle East does not include North African states other than Egypt.

North African Military Expenditures and Arms Transfers in Constant Dollars Have Dropped to Low Levels by Global Standards

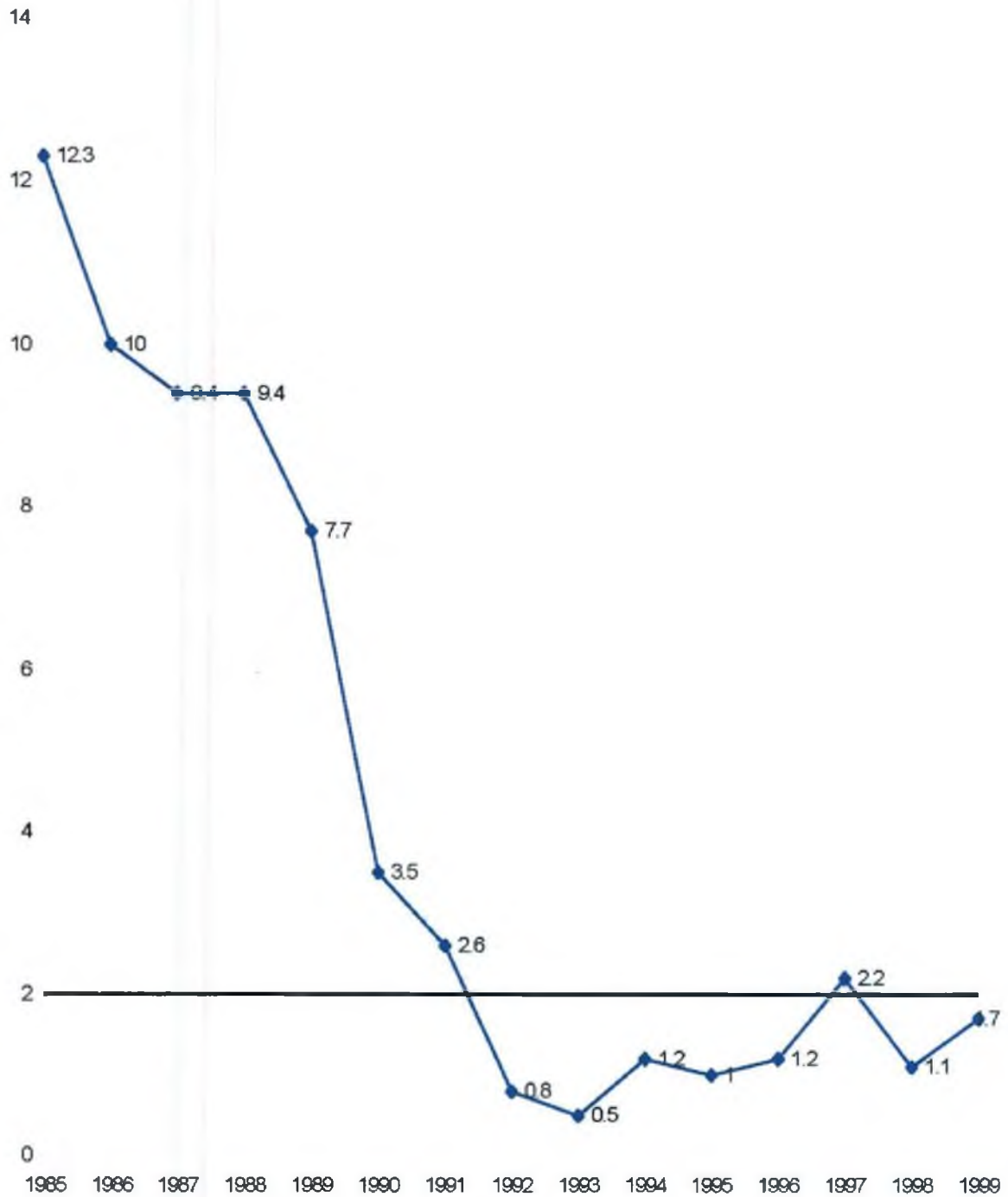
(Algerian, Libyan, Moroccan, and Tunisian spending in Constant \$US 1999 Billions)



	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Arms Imports	3.7	2.9	2.3	2.6	2.4	1.2	0.8	0.3	0.1	0.4	0.4	0.4	0.7	0.4	0.7
Military Expenditures	8.9	8.3	6.0	6.3	5.0	5.0	4.0	4.0	4.0	4.0	4.0	5.0	5.0	5.0	6.0

Graph - 12

North African Arms Imports as a Percent of Total Imports: 1985-1999

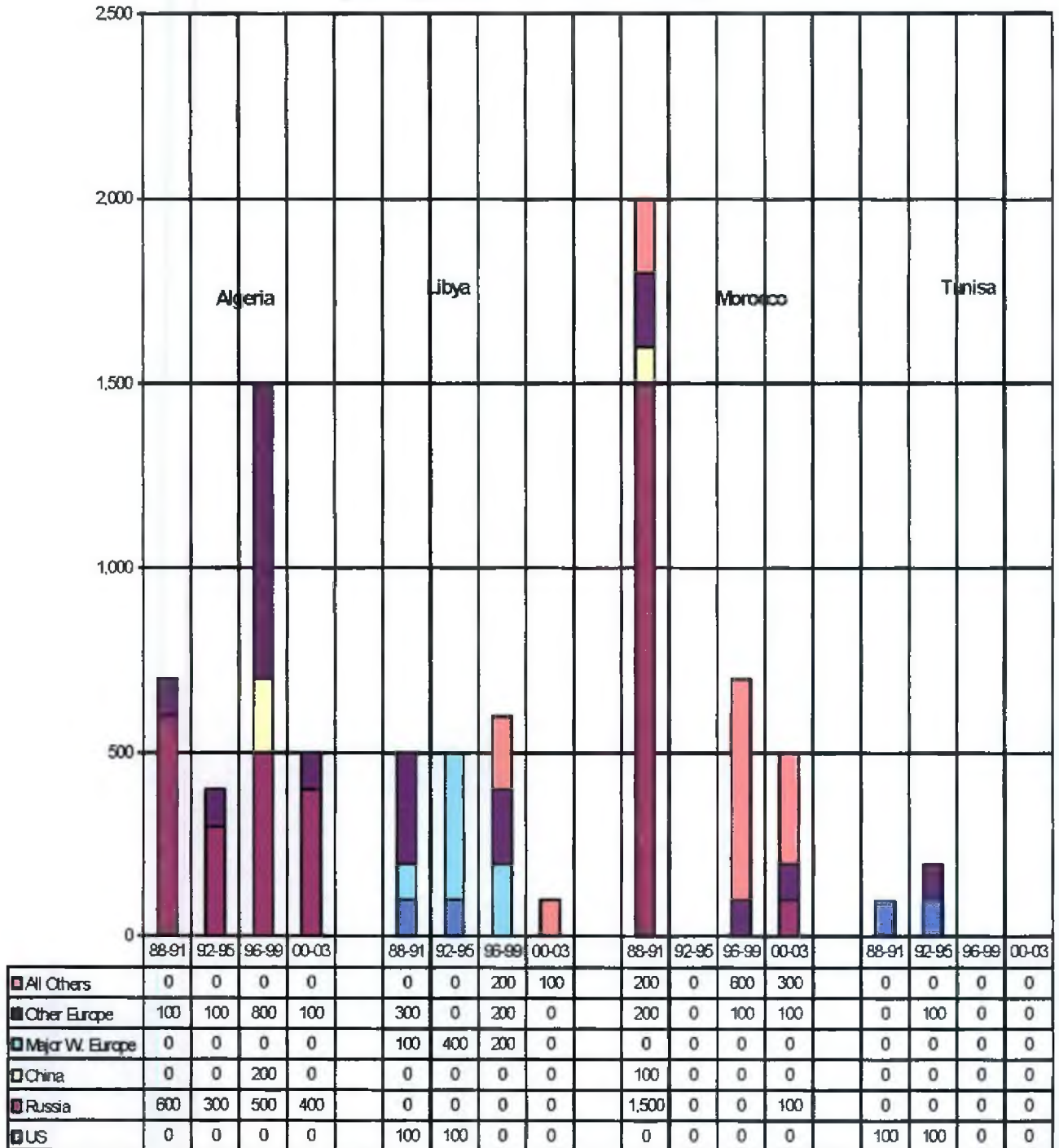


Source: Adapted by Anthony H. Cordesman from Bureau of Arms Control in the US State Department, World Military Expenditures and Arms Transfers, various editions. North Africa does not include Egypt.

Graph - 13

New North African Arms Orders by Supplier Country: 1988-2003

(Arms Agreements in \$US Current Millions)

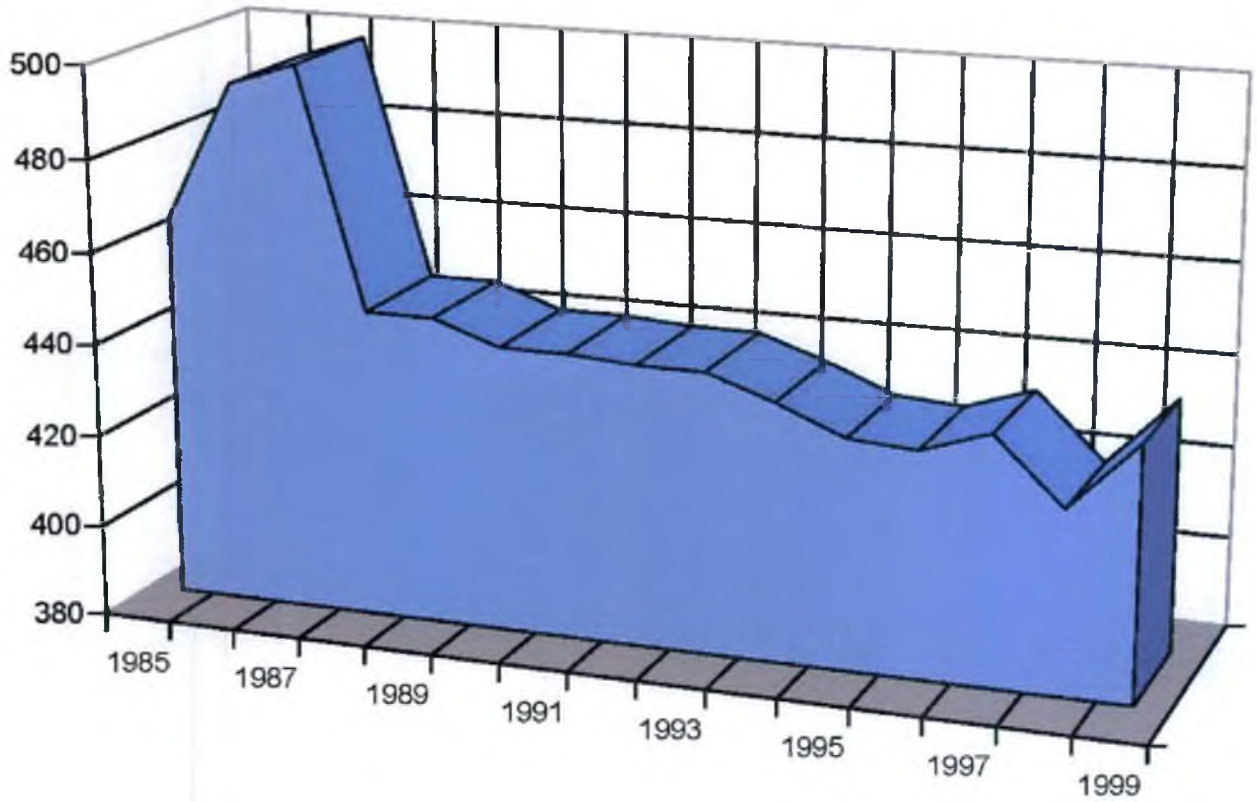


0 = less than \$50 million or nil, and all data rounded to the nearest \$100 million.

Source: Adapted by Anthony H. Cordesman, CSIS, from Richard F. Grimmett, *Conventional Arms Transfers to the Developing Nations*, Congressional Research Service, various editions.

Graph - 14

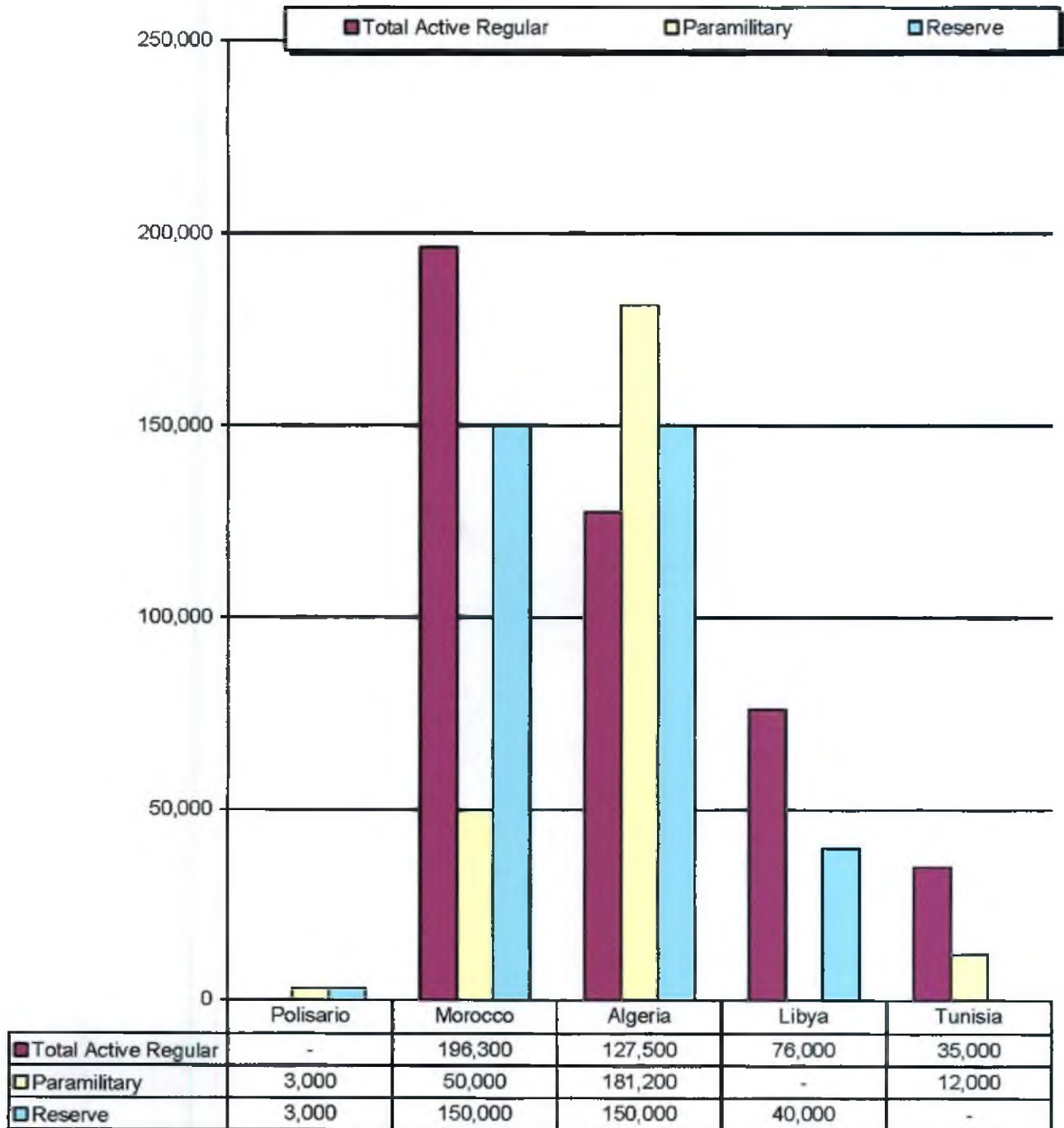
Trends in North African Military Manpower
 (Algerian, Libyan, Moroccan, and Tunisian Military Manpower in Thousands)



	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Manpower	464	494	499	447	447	442	442	441	441	436	430	429	434	420	435

Graph - 15

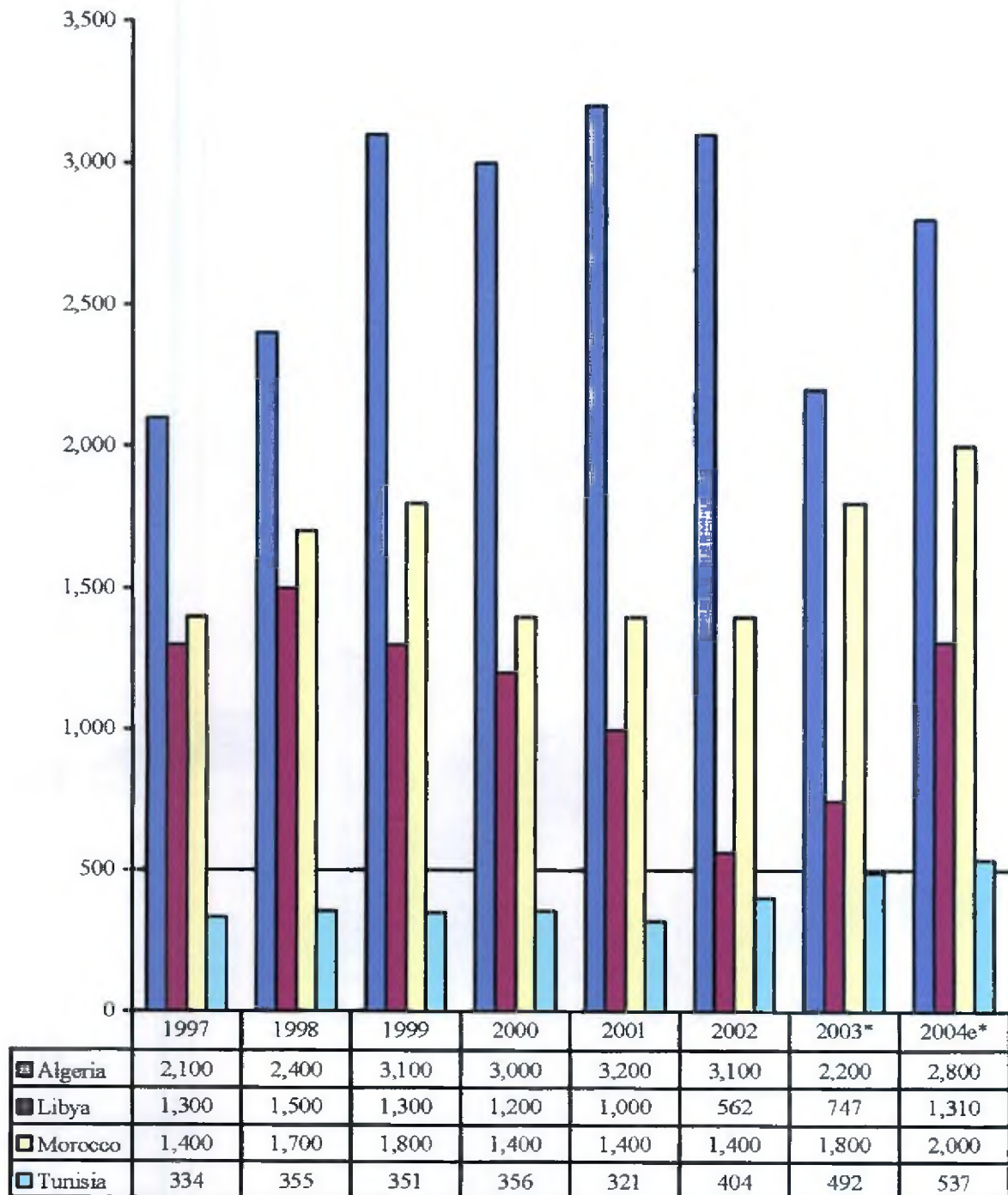
Total Manpower in North African Military Forces in 2005



Source: Adapted by Anthony H. Cordesman from IISS, *The Military Balance*, various editions.

Graph - 16

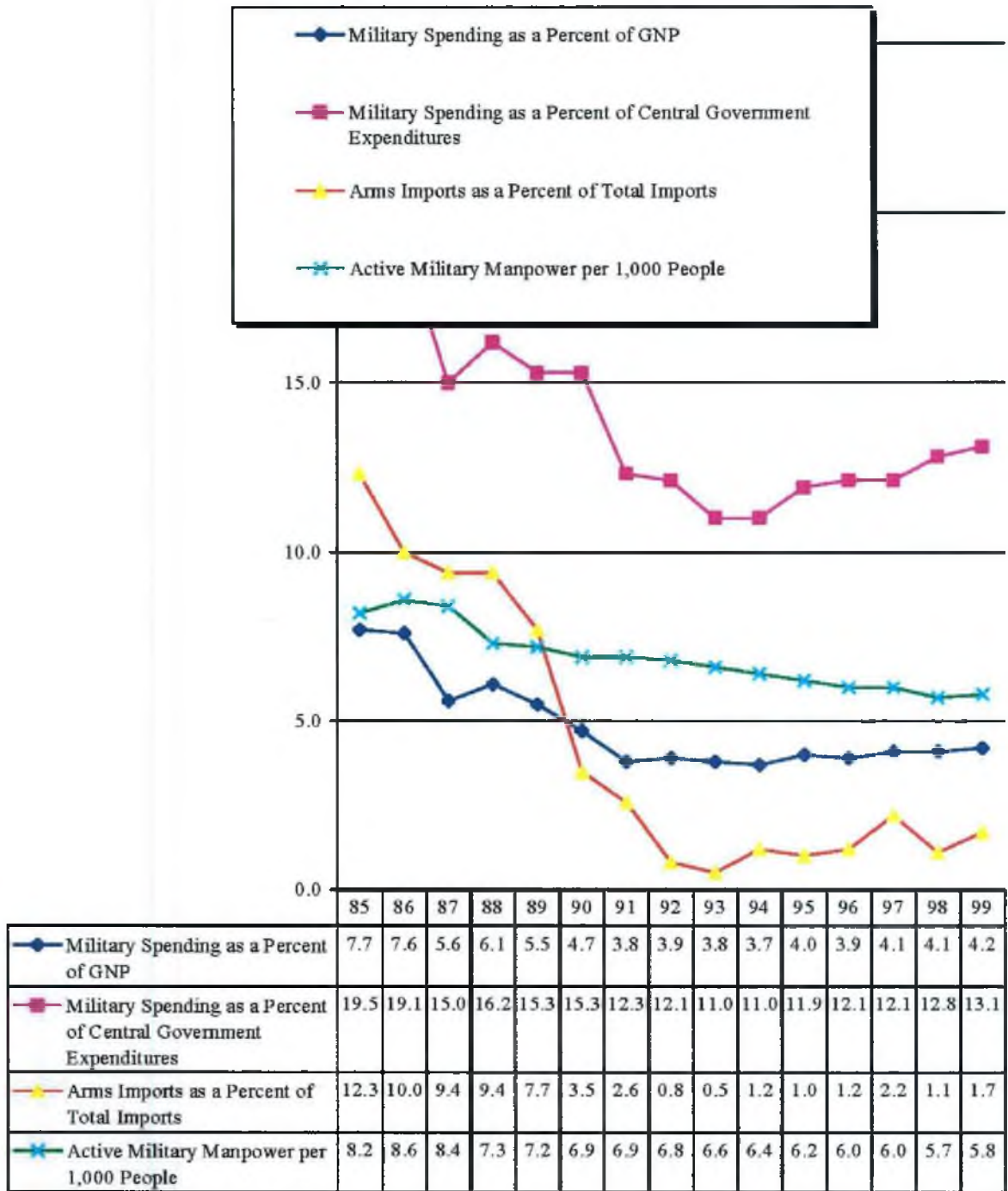
North African Military Expenditures by Country: 1997-2004
(in SUS Current Millions)



Source: Adapted by Anthony Cordesman from the ISS, *Military Balance*, various editions. * Note that the ISS does not report military expenditures, but they report military budget, which does not included any procurement costs.

Graph - 17

North African Military Efforts Declined Sharply as a Percent of GNP, Government Expenditures, Imports, and Total Population: 1985-1999



Source:

Adapted by Anthony H. Cordesman from US State Department, World Military Expenditures and Arms Transfers, various editions, GPO, Washington. Middle East does not include North African states other than Egypt.

Graph - 18

4.8 A Comparison between Kosovo and Western Sahara and Their Struggle for Statehood.

Factors	Kosovo	Western Sahara
Area of the land	Kosovo is a small enclave of little more than 10,000 square kilometers.	It has an area of 266,000 square kilometres.
Inhabitants	It is inhabited by a mosaic of ethnic groups and dialects, Albanians constitute the majority; Goranis (Slavic turned to Islam from the Ottoman domination); Aromanians (of disputed origin, either descendants of Latinised Greek tribes after the Roman domination or heirs of rewarded Roman legionaries with land in Greece) and Turks who constitute a minority.	Its population has lived on this land since ancestral times. It is ethnically homogenous, they speak the same common language; share customs, idiosyncrasy, in sum they share the same culture.
Historical background	The Kosovars, since the XII century, have been the inhabitants of a Serbian province.	Saharawis however, were never part of neighbouring States. They were never part of what was consolidated as the Kingdom of Morocco. They were also not part of the Algerian Republic nor of the Mauritanian Entity that developed into the Republic of Mauritania.
Coming to the international focus/attention	The ex- Serbian province of Kosovo, jumped to the arena of the international current events in 1999, when the Serbian regime of Slovdan Milosevic repressed tens of thousands of civilians, at a time when Yugoslavia was falling to pieces, after the collapse of the Soviet Union. This justified the intervention of NATO, the most powerful military machine of all times, in favour of the separatists Albanian kosovars, organized in a well-known guerrilla by the abbreviations KLA, whose aspiration was the union with Albania.	International rights clearly favour Saharawi self-determination and independence. The Sahara was declared a non Self-governing-Territory, making it applicable for the decolonisation according to the doctrine of United Nations, universally accepted. This status has at no moment been given to Kosovo in the last 32 years. This lost focus as no atrocities were found to be recorded.

<p>UN's effort</p>	<p>UN passed several non binding resolutions only.</p>	<p>The UN have approved an average of three resolutions per year confirming the right of self-determination of the Saharawi people. Surprisingly, in Western Sahara's case, the resolutions of the UN have not been actually accompanied with binding characters; these were not applied with the severity and fervour that one would expect from democratic powers.</p>
<p>Proclamation of Statehood</p>	<p>This situation was absent in case of Kosovo.</p>	<p>Unlike Kosovars, Saharawis proclaimed their independence in the middle of an unexpected and atrocious war, without planning, far from the luxurious offices and halls, without the aid, nor shelter from bombings of allied forces. Although they did count on a hymn and flag that was not improvised last minute by a protective power.</p>
<p>Recognition of State and obligation</p>	<p>The allies and friends of the Saharawi people have neither the military power, nor the political influence that Kosovar guerillas godfathers had in the international board.</p>	<p>The Saharawi state has been recognized by nearly eighty countries and is a member of the African Union, a continental organization that groups more countries than the EU and NATO together.</p>
<p>Conduct of the war of liberation</p>	<p>Kosovo Liberation Army (KLA) would not have been able to survive if it would have faced the situation in Western Sahara.</p>	<p>During the war, Saharawis have fought alone, with limited resources, in the middle of an implacable desert. In extreme conditions, without the intervention of international forces, the Bedouins Saharawis have resisted with fortitude and tenacity. They stood up to an invading army that, by its size and warlike arsenal certainly resembled Tito's powerful army of Yugoslavia. In an obviously asymmetric fight, they managed</p>

		to put in check the invading army, capturing nearly three thousand soldiers and Moroccan officials and to finally force Morocco to barricade itself behind an artificial wall.
Allies in support	Many of those "exemplary" democracies that, in the heat of 21st century, do not doubt in endorsing policy, military power and financial help to the independence of a Serbian canton avoiding if it adheres or not to international legality.	Saharawis have suffered and continue undergoing an unspeakable ordeal under the indifferent attitude of the international community and the blue helmets of the UN or Mission of United Nations for the Referendum of the Western Sahara (MINURSO), whose own name, after 17 years of ineffectiveness, sounds rather ironic. The Sahara did not have the "privilege" of counting on the protection of the European Union, the United States and NATO. Its unique ally, supposedly "influential, Spain", the administrator power, added itself to the conspiracy. It sold them to the best bidder.
UN involvement	After the cease of the bombings of NATO on Serbia, the Organization of the United Nations established a peace force under the name of Mission of United Nations for Kosovo (UNMIK). More than sixteen thousand troops equipped with armour vehicles and modern armament was deployed in a space as large as the Canary islands or the island of Corsica. Although Kosovo remained de iure like a Serbian independent province, United Nations immediately assumed the administration of the territory, without leaving room for the Government of Belgrade. The	On the contrary, in Western Sahara, a country whose extension is almost 30 times greater than Kosovo, only 200 MINURSO troops were deployed. They arrived almost two decades ago, disarmed, and confused, like simple tourists, with no international mandate to protect the human rights of the population and without capacity to intervene against political or police rulings of the occupant power.

	Security Council, by means of resolution 1244, of 10 of June of 1999, authorized the assumption of all the own competencies of a protectorate (the security, justice and external affairs). The police of Kosovo, conformed mainly by Albanian-kosovars was even created and the control of the airspace was passed on to Kosovo FORCE (NATO).	
Human right abuse		According to international organizations such as Human Rights Watch or Amnesty International and in United Nations own reports on human rights, Saharawi political prisoners have been tortured and interrogated in centers that are no more than 800 meters away from the hotel where UN's tourists stay.
Imposing Independence	In Kosovo an unforeseen independence has been imposed by international legality.	In the Sahara, these powers oppose the self-determination recommended a thousand times by the same legality. It is obvious then, that the handling of both cases by the great powers and the UN itself, prove once more that the international organism does not act based on the postulates and norms that it announces, but rather according to what the interests of the influential powers dictate.

4.9 Outline of a Broad Strategy for Conflict Resolution.

Researcher's own interaction with the Sahrawis in occupied territory suggests that there are few impediments that are already overcome by SADR/Polisario in the due course of time as the status quo lingered. SADR must be brought to the light of reality that only Morocco gains out of this status quo not Sahrawis. The impediments that are no more prevailing and major changes that took place are:

- Demographic imbalance that was created by Green March and subsequent settlement of Moroccans in Western Sahara. Now the Sahrawi population has risen to an admirable limit.
- Internationalize the issue of occupation. Due to the media access to refugee camps at Tindouf and SADR's open door policy, a large segment of western society is aware of this conflict.
- Increase of the strength of Sahrawi Diaspora worldwide. Due to the displacement and rapid increase of the Sahrawi population abroad and inside Morocco, the sympathizers to the Sahrawi cause is in steady rise.
- The Moroccan stubborn attitude towards the integration of W.Sahara inside their territory is gradually waning. It appears that the growing military expenditure in keeping the land occupied is taking its toll. There is a simple equation which is in play here; the cost of occupation vs. the economic benefit derived by siphoning off the natural resources out of this land. The Moroccan authority is pondering over this matter now.
- Coming into being the 'Friends of W.Sahara' style various groups/NGOs/humanitarian organizations. These kinds of network are gradually increasing their pressure on international communities not to cooperate with Morocco in various business deals which exploits the mineral resources of Western Sahara. If it is evident that the resource extraction is getting difficult out of this occupied land then automatically the Moroccan authority will be discouraged to occupy. In the comparable case of East Timor, it was only after human rights organizations, church groups, and other activists in the United States, Great Britain, Australia, and elsewhere successfully pressured their governments to end their support for Indonesia's occupation that the Jakarta regime was inally willing to ofer a referendum which gave the East Timorese their right to self-determination. It may take a similar grassroots campaign in Europe and North America to ensure that Western powers live up to their international legal obligations and pressure Morocco to allow the people of Western Sahara to determine their own destiny. There are numerous organizations that are supporting the Western Sahara cause. One such example from mainland Spain is, The Coordination of the associations of solidarity with the Saharawi people (CEAS-Sahara)⁵⁴.
- Morocco already tacitly gave its consent to treat Polisario as the other party of conflict and sat with in the latest round of conferences.

Given this short description of changes that have taken place, here are few broad strategies that the SADR/Polisario might try out:

- Let the OAU (later AU) more pressing the issue of self-determination to the world bodies. Despite the SADR's long membership with AU, it is not bringing any tangible result in making regional or world opinion growing in favour of the cause. Maghrebi countries should insist for Moroccan membership in AU so that it becomes a party to African problem which will drag the Western Sahara cause automatically.

- Let UN in its General Assembly recognizes the SADR as a government in exile (like Palestine). It will give a diplomatic blow to Morocco but nevertheless UN will have to overcome the Veto fiasco of France and US (probably that's why this could not be done so far). Thereby it is suggested that instead of UN Security Council the resolution should be brought in General Assembly.
- Let there be an organised and free, fair referendum for determining self determination by the Sahrawi people under the UN auspices. An interim body to be formed which is acceptable to all parties in conflict. The choice will have to be between autonomy and independence.
- Let SADR renounce all military activities and dismantle all wings of armed resistance. A deliberate approach need to be found out to dismantle Polisarios so that they are rehabilitated and integrated properly in the Saharan society. SADR will thereby achieve triple successes; firstly to show the world bodies that it is totally oppose to violence and secondly draw more sympathy for its cause of self determination. Finally, the branding of Polisarios as terrorist will not come into play favourably by the Moroccans and its allies in the free world. The fact of the matter is that, by now Polisarios have hardly left with any strength to parry with the Moroccan military might in the foreseeable future even if Algeria augments its military capability.

Let the non-violence movement spread at length and breadth all over the continent and western countries where Sahrawis are residing. These movements must be aimed at drawing sympathy from a wider class of world bodies and sensationalize the issue. Violence begets violence and thereby only an effective tool to be played in the hands of the oppressed is, non-violence where the oppressor will be pushed to such and extremity that it won't find any tool to counter it. By now SADR must had been aware of the fact that, so long they wanted a military response, Morocco in return was doubly strong and never gave away its claim. So the natural hypothesis is trying the non-violence approach to a greater degree and in its stronger manifestation.

End Notes:

¹ . Speech by Adv Z. L. Madasa from the Parliamentary Portfolio Committee on Foreign Affairs on occasion of the Conference on Multilateralism and International Law with Western Sahara as a Case Study, 05 December 2008.

² . Realpolitik (German: *real* "realistic", "practical" or "actual"; and *Politik* "politics") refers to politics or diplomacy based primarily on practical considerations, rather than ideological notions. The term realpolitik is often used pejoratively to imply politics that are coercive, amoral, or Machiavellian. Realpolitik is a depiction of foreign policy that should be based on considerations of power, not ideals, morals, or principles. Henry Kissinger was a proponent of this belief as demonstrated in the Nixon administration's dealings with Communist China.

³ . Present Spanish Government led by Prime Minister Zapatero.

⁴ . MACP is a non-profit organization whose principle mission is to inform opinion makers, government officials and an interested public in the United States about political and social

developments in Morocco and the role being played by the Kingdom of Morocco in broader strategic developments in North Africa, the Mediterranean, and the Middle East.

⁵ . José Luis Rodríguez-Zapatero (born 4 August 1960), better known by his maternal surname Zapatero, is the current Prime Minister of Spain. The Spanish Socialist Workers' Party (PSOE) led by Zapatero, won a majority of seats in the Congress of Deputies in 2004 and 2008. As a result, Zapatero was nominated as prime minister by King Juan Carlos and elected by the Congress.

⁶ . UN Secretary-General Kofi Annan has appointed Francesco Bastagli of Italy as Special Representative of the Secretary-General for Western Sahara. Prior to his appointment, Mr. Bastagli served for three years in Kosovo as Deputy Special Representative of the Secretary-General for Civil Administration, where he was responsible for backstopping ministries and local administrations, intervening as necessary to ensure compliance with the United Nations mandate. Mr. Bastagli started his international career in 1974 at United Nations Headquarters, working first in administration as Special Assistant to the Assistant Secretary-General for Personnel Services. In 1979, he opened the United Nations High Commissioner for Refugees office in Nicaragua and managed a programme for about 800,000 refugees and displaced persons. In the early 1980s, Mr. Bastagli moved to the Secretariat of the Conference for International Cooperation in the Peaceful Uses of Nuclear Energy. He later joined the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) where, as Chief of the Executive Office, he was instrumental in the adjustment of UNRWA operations to emergencies affecting Palestinians. Between 1999 and 2002, Mr. Bastagli served as United Nations Resident Coordinator and the United Nations Development Programme (UNDP) Resident Representative in Iran. Poverty alleviation, good governance and human rights were featured in programmes pursued with the central Government, the Parliament, local councils, universities and non-governmental organizations. The first ever human development report for Iran was issued in 2000.

⁷ . By Anna Theofilopoulou, she covered Western Sahara and North Africa in the Department of Political Affairs of the United Nations from 1994 to 2006. She worked closely with former U.S. Secretary of State, James A. Baker, III throughout his appointment as Personal Envoy of the Secretary-General on Western Sahara – from March 1997 until his resignation in June 2004.

⁸ . The first version of the plan, called Baker I or the Framework Agreement was delivered by UN special envoy James Baker in 2000.

⁹ . The initiative is the product of a yearlong internal and foreign Moroccan consultation process. All sectors of the Sahrawi population were included in the consultations and the views of foreign governments and expert international authorities were sought before the plan was finalized for presentation to the United Nations. This information has been produced by The Moroccan American Center for Policy (MACP), a registered agent of the Government of Morocco. Additional information is available at the Justice Department in Washington, D.C.

¹⁰ . When travelling throughout the Polisario-controlled areas, the movement of UN Military observers (UNMOs) needed to be informed to the regional military commands of its activities in advance. Polisario patrols and their remote locations needed to be verified as per the provisions set by cease fire. The Polisario operates the border crossing between Algeria and W. Sahara west of Tindouf, and also close to the border with Mauritania.

¹¹ . Briefing Note, October 2008, by Dr Nick Brooks is a Visiting Research Fellow at the University of East Anglia and Director of the Western Sahara Project, which conducts research into past environmental change and human responses in the Sahara, through fieldwork at study sites in Western Sahara. During the course of his work, which involves logistical cooperation with the Polisario, Dr Brooks has travelled throughout the Polisario controlled areas of Western Sahara (both northern and southern sectors), on five separate occasions between 2002 and 2007, and has also spent time in the refugee camps around Tindouf. Dr Brooks was responsible for publicising the vandalism of archaeological sites by MINURSO personnel at Lajuad and elsewhere in the Polisario-controlled areas in 2007. This briefing note is based on observations made in the Polisario-controlled areas and elsewhere.

¹² . Michel Foucault (15 October 1926 – 25 June 1984) was a French philosopher, historian, intellectual, critic and sociologist. Foucault is best known for his critical studies of social

institutions, most notably psychiatry, medicine, the human sciences, and the prison system. Foucault's work on power, and the relationships between power, knowledge, and discourse, has been widely discussed. In the 1960s Foucault was often associated with the structuralist movement.

¹³ . Dr Fetherston is a graduate of the Center for Conflict Resolution (CCR), completed her PhD on conflict resolution theory and peacekeeping in 1993. The thesis was published in 1994 as *Towards a Theory of United Nations Peacekeeping*, which has had a major impact on policy by bringing military peacekeepers into direct engagement with conflict resolution theory for the first time. Her most recent work has been critical of theoretical inadequacies in some of the conflict resolution literature and is aimed at developing a broader 'transformative' approach to intervention in violent conflict. She was appointed as a lecturer in the Department of Peace Studies in 1995, and was awarded a grant from the MacArthur Foundation to work on *Peacekeeping as Peacebuilding: Indigenous NGOs and the Transformation of Violent Conflict*. This involves a study of the situation in Croatia, looking especially at how UN peacekeeping might have more effectively supported long-term peacebuilding efforts there.

¹⁴ . Since Moroccan independence (1956), the consolidation of the Alawite family as the rulers of Morocco has been very much supported by the rural elites and counts on the cooperation of the largest political party, the Istiqlal. The Istiqlal is the nationalist party of the "Young Moroccans" and they have been in charge of several ministries since the formation of the first independent government of Morocco. In 1958, a member of Istiqlal, Muhammad Ahmed Balafrej, was appointed as the Moroccan prime minister.

¹⁵ . See literature on cultures of violence (Nordstrom 1994).

¹⁶ . Personal interview Mohamed Salem Brahim, the Coordinator of the Spanish Edition of the Saharawi National Radio (January 2004).

¹⁷ . France Liberte Foundation, Human Rights Watch, Amnesty International, Canadian Lawyers Association for International Human Rights CLAIHR. The U.S. Department of State has also released reports on human rights practices in Western Sahara.

¹⁸ . For an account of this, see Shelley, *Endgame*, op. cit., especially chapter 5, "Sahrawi Society under Occupation".

¹⁹ . Malcolm Shaw, *Title to Territory in Africa: International Legal Issues* (New York, 1986), p. 124; cited in Susan Slyomovics, "Self-Determination as Self-Definition: The Case of Morocco", in Hurst Hannum and Eileen F. Babbitt (eds.), *Negotiating Self-Determination* (Lanham, Boulder, New York, Toronto, Oxford, 2006), pp. 135-157.

²⁰ . Slyomovics, op. cit.

²¹ . Shelley, *Endgame*, op. cit., pp. 130-131. For a sympathetic discussion of the Moroccan case at the ICJ, see George Joffé, "International Court of Justice and the Western Sahara", in Richard Lawless and Laila Monahan, *War and Refugees: the Western Sahara Conflict* (London, 1987).

²² . Crisis Group interview, Brussels, 22 November 2005.

²³ . Crisis Group interview, Algiers, 3 November 2005. The "contested tribes" were those which had a small number of members resident in Western Sahara and the majority of their members outside (mostly in Morocco, a few in Mauritania and Algeria). The Moroccan government argued that all their members should be allowed to apply for inclusion on the electoral roll. Most such applications were considered but eventually rejected by MINURSO. For a discussion, see Shelley, *Endgame*, op. cit., pp. 140-141, 144.

²⁴ . Crisis Group interview, Washington DC, May 2007.

²⁵ . UN Security Council Resolution 1754 (30 April 2007), Preamble.

²⁶ . Algerian official discourse distinguishes between the "concerned parties", of which there are two – Morocco and the Polisario Front/SADR – and the "interested parties", namely bordering states that are bound to be affected to some extent by the outcome, among which Algeria numbers itself. This distinction enables it to justify both its support as an "interested party" for the Polisario Front and its refusal (not being a "concerned party") to engage in direct negotiations with Morocco.

²⁷ . Yahia H. Zoubir and Karima Benabdallah-Gambier, "Morocco, Western Sahara and the Future of the Maghrib", *Journal of North African Studies*, 9, 1, spring 2004, pp. 49-77.

²⁸ . Crisis Group interview, Mohammed Benouna, UN, New York, 8 December 2005.

- ²⁹ . Crisis Group interview, Washington DC, 12 February 2007.
- ³⁰ . Crisis Group interview, Sidi Fredj, Algeria, 6 December 2006.
- ³¹ . That, is, the frontier it had with Spanish Sahara from 1962 onwards, which it could retain only if the former colony became an independent state.
- ³² . In 1976, four leading figures of the Algerian nationalist movement – Ferhat Abbas (President of the GPRA 1958-1961), Benyoucef Benkhedda (President of the GPRA 1961-1962), Hocine Lahouel (General Secretary of the Mouvement pour le Triomphe des Libertés Démocratiques, 1950-54) and Sheikh Kheireddine (a member of the Association of the Ulama) – publicly dissented from Boumediène’s policy of resisting Morocco’s claim. Another even more prominent Algerian nationalist, Mohamed Boudiaf, one of the nine historic founders of the FLN in 1954 and briefly head of state in 1992, also publicly accepted Morocco’s claim.
- ³³ . Shelley, *Endgame*, op. cit., p. 27 (citing former Algerian foreign minister Ahmed Attaf) and 33. That the principle of the inviolability of frontiers inherited from the colonial era has throughout been an element of Algeria’s position was confirmed by Ramtane Lamamra. Crisis Group interview, Algiers, 3 December 2006.
- ³⁴ . Crisis Group interview, Mohammed Benouna, UN, New York, 8 December 2005.
- ³⁵ . Crisis Group interview, Mohamed Loulikchi, Rabat, 30 November 2005.
- ³⁶ . Crisis Group interview, Washington DC, May 2007.
- ³⁷ . Crisis Group interview, Algiers, 16 November 2005.
- ³⁸ . Features, Rumbings in Western Sahara, From A Correspondent in Western Sahara, January 6th, 2005, Middle East International online edition.
- ³⁹ . UN Transitional Administration in East Timor (UNTAET) and In Kosovo, where the UN operation was determinedly called an 'interim' administration, the absence of an agreed end-state left the territory in political limbo.
- ⁴⁰ . Article 54 and Commentary to Article 54, International Law Commission’s Articles on State Responsibility, GAOR, Fifty-sixth Session, Supplement 10 (A/56/10), p. 349. *See also*, S. Koury, *The European Community and Member States’ Duty of Non-Recognition under the EC-Morocco Association Agreement: State Responsibility and Customary International Law*, op.cit., at 181.
- ⁴¹ . H. Lauterpacht, *Recognition in International Law*, Cambridge University Press, Cambridge, 1947, p.413.
- ⁴² . Namibia Advisory Opinion, op.cit., p. 54, para. 118 and pps. 57-58, para. 132-133.
- ⁴³ . Ibid., p. 55, para. 121.
- ⁴⁴ . Ibid, pps. 55-56, para. 122-125.
- ⁴⁵ . J. Crawford, *The Creation of States in International Law*, (2nd. Ed.), Clarendon Press, Oxford, 2006, p.162, fn. 29. As was noted by Ian Brownlie, “The duty of non-recognition may be observed irrespective of or in the absence of any directives from the United Nations if in the careful judgment of the individual state a situation has arisen the illegality of which is opposable to states in general.” *See*, I. Brownlie, *Principles of Public International Law*, Oxford University Press, Oxford, Sixth Edition, 2003, p. 491. 272 S/Res/662, 9 August 1990.
- ⁴⁶ . The Middle East Committee, American Bar Association, June 22, 2008, The leadership of the Middle East Committee would like to give special thanks to committee members, *Salman Alam, Ahmed Ibrahim and Pamela N. Epstein for their contributions to this report*.
- ⁴⁷ . ‘The Madrid Agreement did not transfer sovereignty over the territory, nor did it confer upon any of the signatories the status of an administering Power -- a status which Spain alone could not have unilaterally transferred.’ *See* ‘Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council’, United Nations Security Council S/2002/161 (12 February 2002), paragraph 6.
- ⁴⁸ . IHLRI, Electronic Communication with author (5 April 2006).
- ⁴⁹ . La détention prolongée au mépris du droit international humanitaire et des Conventions de Genève de 1949 de 1362 détenus marocains sur le territoire algérien et ce depuis plus de 20 ans constitue une source de préoccupation extrême pour le Royaume du Maroc et une atteinte à la conscience universelle.’ Government of Morocco, Communiqué du Ministère des Affaires Etrangères et de la Coopération (Rabat, 22 February 2002): electronic document, <http://www.maec.gov.ma/en/f-com.asp?num=1102&typ=COM>, last retrieved 3 March 2006.

- ⁵⁰ . Amnesty International, 'Morocco/Western Sahara', World Report 2007 (London: Amnesty International).
- ⁵¹ . Human Rights Watch, Morocco: Human Rights at a Crossroads 16/6E (New York: Human Rights Watch, October 2004), chapter three.
- ⁵² . The life and death of Mahatma Gandhi, by Robert Payne, pp 384.
- ⁵³ . The life and death of Mahatma Gandhi, by Robert Payne, pp 485.
- ⁵⁴ . The Coordination of the associations of solidarity with the Saharawi people (CEAS-Sahara) called, on the Spanish citizens to take the Saharawi question into account during the municipal and regional elections planned for May the 27th in Spain.

Chapter 5

CONCLUSION

5.1. Summary of the Findings.

Not going very far in the record of non-reconciliation, UN Secretary Generals' special envoy Peter Van Walsum recently characterised the situation as "quasi-irreconcilable." Morocco and the Polisario agreed on the desirability of a referendum. However, Morocco opposes including the option of independence. The Polisario position is based on long-established UN decolonisation principles, flowing from General Assembly resolution 1514 (1960), that the right of self-determination must include independence among other options. Morocco has signaled that it may be willing to accept some form of autonomy in Western Sahara, but the Polisario insists that a referendum as envisaged in the final Baker plan should be part of the process. UN tried several times to determine whether there were any new options to bring the parties back to the negotiating table, including exploring any leverage that would affect their positions. But another issue loomed large. As the peace process has been stalled for so long, questions are likely to be raised about MINURSO's future. The options regarding MINURSO include complete withdrawal or a change of mandate. In either case, Security Council need to weigh possible impacts on regional stability. Leadership in the UN on the issue has traditionally been through a group of friends of Western Sahara composed of France, Spain, the US and Russia. France has always supported Morocco. Although the US also has strong ties with Morocco, it has remained more neutral over the years and was a strong supporter of the Baker plan. At present, France and the US seem to support a solution based on the Moroccan idea of an extended autonomy for Western Sahara. The US has been active in attempting to improve the atmosphere for future progress. US diplomats conducted negotiations that led to the liberation of Moroccan prisoners by the Polisario in August 2005. On the other hand, the US is keen to explore new options, including a rationalisation of peacekeeping operations where peace processes are stalled. The threat of MINURSO's termination may be an option that UN Security Council members see as a lever to induce the parties to reach an agreement. However, there is bound to be controversy about this option.

UN Security Council dynamics are also likely to be impacted by wider considerations. Counter terrorism objectives, such as the Trans-Saharan Counter Terrorism Initiative, point to the value of securing a lasting solution for Western Sahara sooner rather than later. The Polisario also has allies, such as Algeria and Russia (as well as key AU members outside the Council, including South Africa and Nigeria). Nevertheless, Algeria left the Council at the end of 2005. Morocco's refusal to consider independence as an option in the referendum stems from a fear that the loss of Western Sahara would create a deep political crisis. Moreover, the costs - both financially and in Moroccan lives as a result of the occupation-make it extremely difficult to give up the territory. But this must be set against the strong tide in the UN, and especially in African politics, in support of the right of self-determination of former colonised territories. The main challenge to the process has long been the criteria for eligibility to vote. Originally, it was expected that

all Saharans counted in a 1974 census and aged 18 years would have the right to vote. This solution met the Polisario's demand for a limited voting pool excluding those it has regarded as foreign to the territory. Morocco, however, has wanted to expand this pool to make all residents eligible. The problem has become more acute with the growth of Moroccan settlers over the years. Human rights issues also lie in the background as Moroccan authorities still detain about 1500 political prisoners, and there are around 500 Sahrawi civilians who have "disappeared." In addition, approximately 150,000 Sahrawis are living in refugee camps near the Algerian town of Tindouf, where allegations of human rights violations by Algeria have been reported. In his last report, the Secretary-General called on the parties to allow the High Commissioner for Human Rights to approach the parties. Morocco has also called for investigations with regards to the Polisario's alleged torture of Moroccan prisoners it later released.

Given this backdrop, a permanent peace in Western Sahara is the need of the hour. It would provide socio-political and economic stability not only to Morocco and the Western Sahara region but to the whole Arab-Maghreb region. The ongoing occupation of Western Sahara and the prevailing conflict would only contribute to the impoverishment of the Moroccans and add to the suffering of the Sahrawi people by pushing them into refugee camps in neighbouring countries. In addition to aggravating the tensions in the region, the delay in ending the conflict there would further contribute to the waste of precious human, natural and economic resources, which could be gainfully utilised for the socio-political-economic development of the region as a whole. It is time the international community realised the centrality of the peace process in Western Sahara. An independent Western Sahara would strengthen the aspirations of the neighbouring people and promote harmony in the Arab-Maghreb region. Commenting on the overall results of the voter identification process during a press conference in Algiers, the Sahrawi Minister of Foreign Affairs warned recently that any delay in the referendum would force the Sahrawis to resume armed struggle. It was hoped that the identification of the voters would be completed as per the new schedule paving the way for the people of the Western Sahara to decide their own political and economic future once and for all. Finally, UN as an organization must perform beyond their prejudices and its future resolutions must involve the monitoring capabilities of violation of human rights and other issues which Morocco does not allow. SADR in future should also reinvigorate to pursue the political demands.

The Research Findings:

- The conflict originated due to the poor administration of Spain as they left the colony with an unresolved question of self-determination of indigenous people. Morocco simply filled up the vacuum created by Spain and annexed it. Morocco and later the 'Big Powers' involvement is now a precursor to a larger geopolitical ambition and presently sustained to exploit the naturally rich land to the fullest.
- Morocco has no legal basis to occupy the land and obstruct the right of self determination. It is a clear violation of the ICJ's verdict and also it was ratified in

number of UN resolutions and enshrined in the text of Fourth Committee. Despite of these rules and verdict, Morocco unabatedly occupied the Western Sahara.

* The cost of the conflict imposed on Sahrawis is enormous. They are suffering economically, psychologically and now deprived of basic human rights both in occupied land and refugee camps. Now the cost of the conflict will further be exacerbated and donor countries, NGOs and host country of refugees will take the toll.

* UN's intervention totally failed to secure the rights of self-determination (in contrast with Kosovo and East Timor) and now acting as an obstacle in conflict resolution process. It is evident that UN has rather contributed to the 'Statu Quo' situation of the conflict which is benefitting the Morocco and the 'Big Powers' to extract natural resources.

* SADR was founded with high hopes and initially it also went on securing its political gains in AU and in other forums. But gradually it failed to realize the dreams of Sahrawi population politically. The causes behind such inactivity lie in the poor leadership and Algerian lordship over it. It has distanced itself too much from the populace.

5.2 Suggestions/Recommendations.

Following are the recommendations as deemed appropriate for conflict resolution at the end of the research:

a. For Polisarios.

- (1) Resumption of armed resistance will be counterproductive. The Polisario fighters should be integrated in the wider Sahrawi society and rehabilitated properly with the help of UN and other agencies.
- (2) Further recruitment of Polisario volunteer soldiers should henceforth be stopped.

b. For SADR.

- (1) More proactive measures should be undertaken to rally international support for the Western Saharan cause.
- (2) Revamping of higher leadership in SADR is required to give way to young well educated and capable leadership.
- (3) A well-coordinated network should be created which would wage credible non-violent protests (like Aminatou Haider) in the Europe and African continent. All Sahrawi Diaspora need to be brought under a single banner to wage this struggle. In this regard Aminatou Haider's organisations might be boosted to carry out such propagation.

- (4) Vigorous diplomatic actions should be undertaken by SADR to seek African Union's support (AU) in future. In this regard, South Africa can play an important role.

c. **For UN.**

- (1) A rigid and mandatory time frame must be announced to both the parties to resolve the conflict; otherwise MINURSO should be pulled out from Western Sahara. No more extension of mandate should be allowed in Security Council without any credible result.
- (2) Western Sahara cause might be brought under UN Chapter VII by a General Assembly resolution, as Security Council would always act partisan about the settlement as seen so far.
- (3) MINURSO might be mandated and other UN agencies might also be tasked to monitor and report the Human Rights violation against Sahrawis in Moroccan occupied territories.
- (4) The referendum process might be enforced by UN to Morocco.

d. **EU, AU and other Regional Forums (e.g. LYMEC).**

- (1) EU is the only counter weight against US, as such it should lend more genuine support towards Western Saharan cause.
- (2) France's blind support for Morocco must be limited and reduced substantially. This might be achieved through consensus and opinion building by the other European nations (e.g. Norway and Spain).
- (3) EU must stop or reduce economic aid to Morocco as most of its aid is channeled to build up military capabilities.
- (4) Stern economic embargoes should be enforced against Morocco so that foreign companies cannot make business contracts to sell the Phosphate, fish and oil from Western Sahara. EU can assume leadership role to resolve this conflict.
- (5) AU should also actively participate to impose its will on Morocco.

5.3 **Implications of the study for further research.**

This study covered two aspects (UN and SADR) which were found more vividly contributing to the non-settlement of the conflict for such a long time. Besides, there are various actors both international and domestic (within Morocco and Algeria) which are active in pursuing their vested interests for prolonging the non-settlement of the conflict. The only victim to such situation is the helpless nomadic people – Sahrawi. A common approach had been adopted by these actors – *buy time and they will become disillusion.* But seldom had such approaches by the occupiers found to be true. In case of East Timor or more significantly Palestine, we find every day the demands become more forceful.

Though East Timorese could finally saw the end of the conflict but for Western Sahara and Palestinian cases, these could not come true. The further study on this conflict might cover in future, the aspects of role of African Union in conflict resolution, role of Maghreb Union coming out as a regional supra-identity (an arab Super state! Led by Libya), or further role of SADR to obtain regional and international recognition as a state in exile (like Palestine). There are many interesting aspects of the conflict on which further studies can be carried out of which the humanitarian aspects e.g. refugee situation and its ramifications in the surrounding areas can also be studied.

**ANNEX A TO
CONFLICT IN WESTERN
SAHARA**

DETAILS OF POPULATION STATISTICS

Age structure > 0-14 years > Females	85,421		[164th of 221]
Age structure > 0-14 years > From total	45.4 %		[16th of 223]
Definition: People > Age structure > 0-14 years > From total			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Age structure > 0-14 years > Males	88,176		[164th of 221]
Definition: People > Age structure > 0-14 years > Males			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Age structure > 15-64 years > Females	101,895		[173rd of 221]
Definition: People > Age structure > 15-64 years > Females			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Age structure > 15-64 years > From total	52.3 %		[209th of 223]
Definition: People > Age structure > 15-64 years > From total			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Age structure > 15-64 years > Males	98,345		[176th of 221]
Definition: People > Age structure > 15-64 years > Males			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Age structure > 65 years and over > Females	5,075		[188th of 221]
Definition: People > Age structure > 65 years and over > Females			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Age structure > 65 years and over > From total	2.3 %		[217th of 223]
Definition: People > Age structure > 65 years and over > From total			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Age structure > 65 years and over > Males	3,705		[188th of 221]
Definition: People > Age structure > 65 years and over > Males			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Ethnic groups	Arab, Berber		
Definition: People > Ethnic groups			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Nationality > Adjective			
Sahrawi, Sahrawian, Sahraouian			
Definition: People > Nationality > Adjective			
Source: <u>CIA World Factbook</u> , 14 June, 2007			

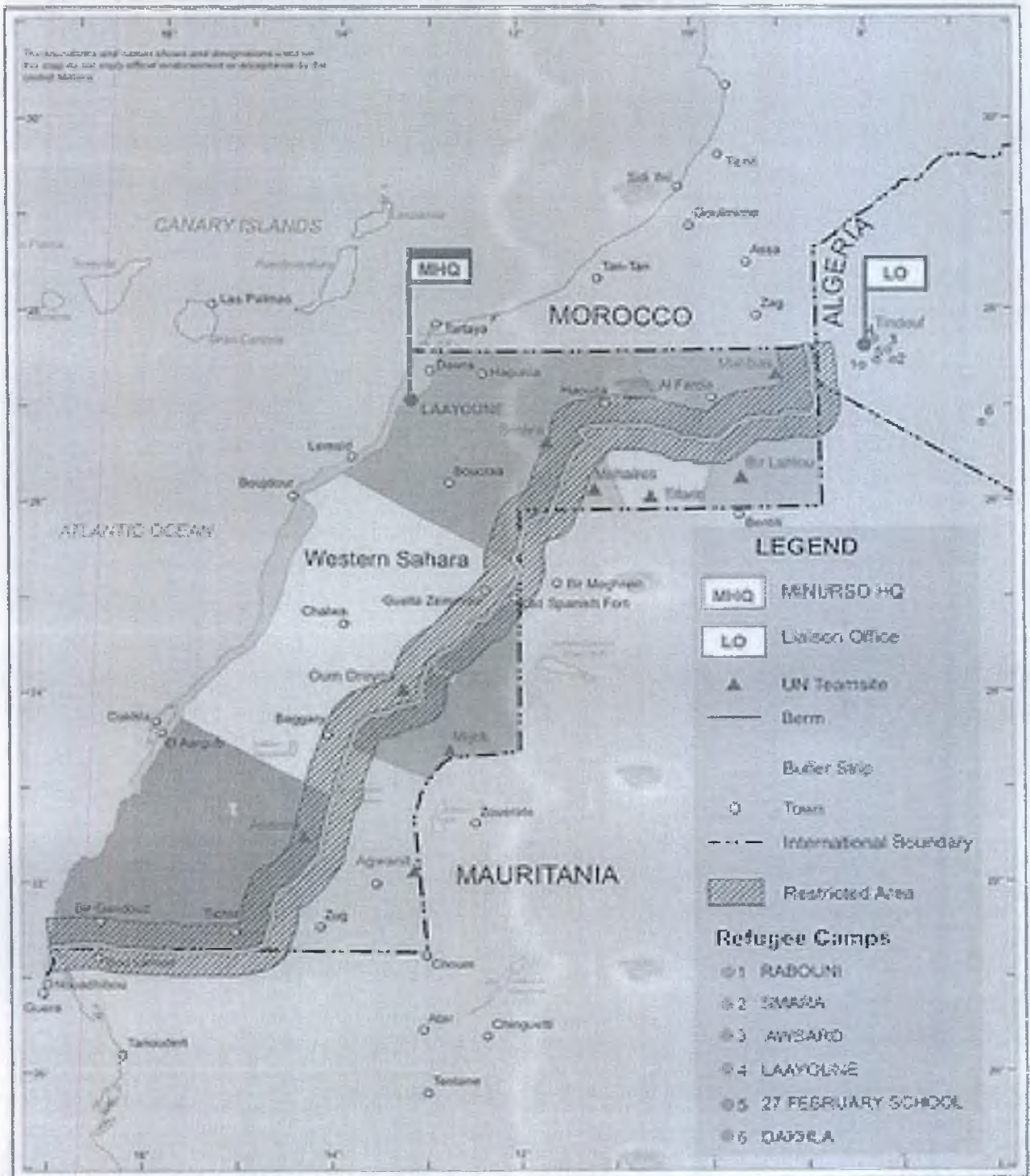
Nationality > Noun	Sahrawi(s), Sahraoui(s)		
Definition: People > Nationality > Noun			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Percentage living in rural areas.	6%		[187th of 193]
Definition: People > Percentage living in rural areas.			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Percentage living in urban areas	94%		[12th of 199]
Definition: People > Percentage living in urban areas			
Source: Population Division of the United Nations Secretariat, World Urbanization Prospects: The 2003 Revision, Data Tables and Highlights. Estimates and projections of urban and rural populations are made by the Population Division of the United Nations Secretariat and published every two years. These estimates and projections are based on national census or survey data that have been evaluated and, whenever necessary, adjusted for deficiencies and inconsistencies			
Population > Note estimate is based on projections by age, sex, fertility, mortality, and migration; fertility and mortality are based on data from neighboring countries (July 2007 est.)			
Source: Population Division of the United Nations Secretariat, World Urbanization Prospects: The 2003 Revision, Data Tables and Highlights. Estimates and projections of urban and rural populations are made by the Population Division of the United Nations Secretariat and published every two years. These estimates and projections are based on national census or survey data that have been evaluated and, whenever necessary, adjusted for deficiencies and inconsistencies			
Population in 2015	526		[164th of 225]
Definition: People > Population in 2015			
Source: <u>CIA World Factbook</u> , 14 June, 2007			
Total Population	0		[226th of 227]
Definition: People > Total Population			
Source: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects: The 2004 Revision and World Urbanization Prospects: http://esa.un.org/unpp			
Total Population > Female	0		[226th of 227]
Definition: People > Total Population > Female			
Source: <u>U.S. Census Bureau, Population Division, International Programs Center Spanish Statistical Institute</u>			
Total Population > Male	0		[225th of 227]
Definition: People > Total Population > Male			
Source: <u>U.S. Census Bureau, Population Division, International Programs Center Spanish Statistical Institute</u>			

Urbanization	96	[8th of 204]
Definition: People > Urbanization		
Source: <u>U.S. Census Bureau, Population Division, International Programs Center Spanish Statistical Institute</u>		

SOURCES: CIA World Factbook, 14 June, 2007 ; Population Division of the United Nations Secretariat, World Urbanization Prospects: The 2003 Revision, Data Tables and Highlights. Estimates and projections of urban and rural populations are made by the Population Division of the United Nations Secretariat and published every two years. These estimates and projections are based on national census or survey data that have been evaluated and, whenever necessary, adjusted for deficiencies and inconsistencies; Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects: The 2004 Revision and World Urbanization Prospects: <http://esa.un.org/unpp>; U.S. Census Bureau, Population Division, International Programs Center Spanish Statistical Institute; Population Division of the United Nations Secretariat, World Urbanization Prospects: The 2001 Revision, Data Tables and Highlights (ESA/P/WP.173, 20 March 2002)

**ANNEX C TO
CONFLICT IN WESTERN
SAHARA**

DEPLOYMENT OF MINURSO



Map No. AA019
This map shows the Operational Area of MINURSO mission; locations of refugee camps in Tindouf

Size of Individual Peacekeeping Operations: 1998

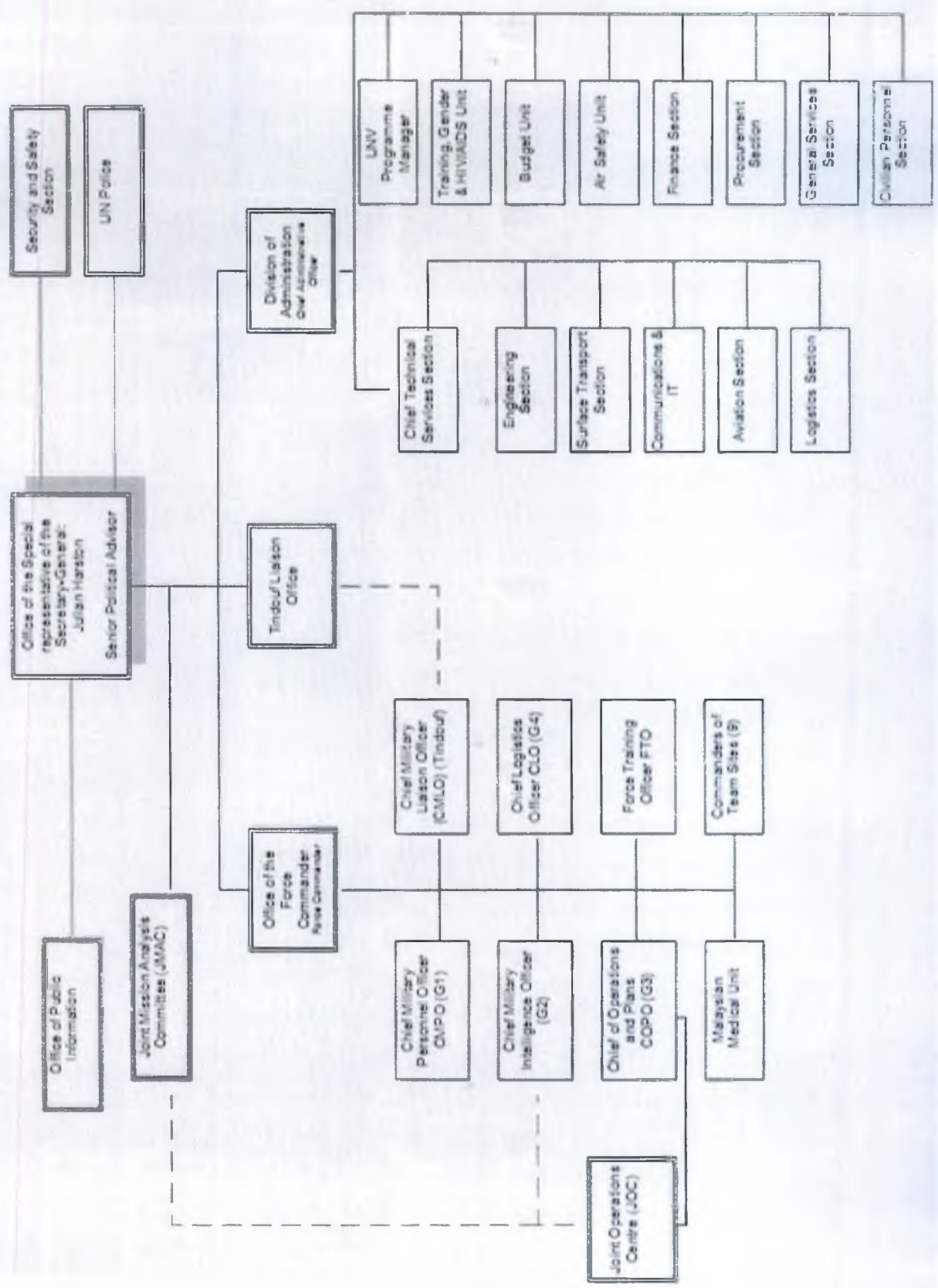
Force Location Year Established	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
MINURCA Central African Republic 1998	-	-	-	-	1,230	1,379	1,365	1,365	1,367	1,369	1,369	-
MINURSO Western Sahara 1991	301	302	295	316	404	397	443	521	531	464	411	-
MIPONUH Haiti 1996	279	286	279	279	285	284	287	282	281	286	284	-
MONUA (UNAVEM III) 1991	1,661	1,326	1,379	1,387	1,328	1,213	1,156	1,116	1,079	1,036	1,017	-
UNDOF Golan Hts 1974	1,046	1,053	1,033	1,034	1,064	1,046	1,045	1,042	1,004	1,031	1,053	-
UNFICYP Cyprus 1964	1,254	1,257	1,280	1,259	1,247	1,267	1,279	1,268	1,263	1,259	1,273	-
UNIFIL Lebanon 1978	4,463	4,466	4,512	4,529	4,520	4,480	4,473	4,455	4,448	4,591	4,528	-
UNIKOM Iraq-Kuwait 1991	1,110	1,109	1,085	1,084	1,102	1,120	1,098	1,099	1,009	1,096	1,099	-
UNMIBH Bosnia 1995	1,901	2,022	1,981	1,952	1,979	1,962	1,991	1,958	1,974	1,954	1,985	-
UNMOGIP India-Pakistan 1949	44	44	44	44	43	43	45	45	45	45	45	-
UNMOP Prevlaka 1996	28	28	28	28	28	28	24	28	28	27	26	-
UNMOT Tajikistan 1994	56	62	68	68	81	83	76	72	39	34	33	-
UNOMIG Georgia 1993	106	105	96	91	82	81	83	96	99	103	100	-
UNOMSIL Sierra Leone 1998	-	-	-	-	-	-	15	56	59	59	61	-
UNPREDEP Macedonia 1995	530	861	809	813	824	809	796	716	884	893	906	-
UNPSG Croatia 1998	-	-	-	-	208	210	208	181	114	-	-	-
UNTAES Eastn Slovenia 1996	396	309	-	-	-	-	-	-	-	-	-	-
UNTSO Palestine 1948	154	157	153	155	163	168	153	153	158	151	157	-
TOTAL	13,329	13,387	13,251	14,464	14,588	14,570	14,537	14,453	14,530	14,398	14,347	

THE COMPARATIVE ANALYSIS OF PROPOSALS

<u>Key elements of the proposal</u>	<u>MOROCCO</u> (Presented on 13 April 08)	<u>POLISARIO</u> (Presented on 10 April 07)	<u>Comments</u>
<u>General declaration</u>	To build a modern, democratic society, based on the rule of law, collective and individual freedoms, and economic and social development		No formal declaration is made in the preamble.
<u>Basic elements</u>	Relevant proposals of the UNO and from the constitutional provisions in force in countries that are geographically and culturally close to Morocco. It is based on internationally recognized norms and standards.		Basic elements are highlighted summarily but not in the preamble.
<u>Decolonisation</u>	The Moroccan Constitution shall be amended and the autonomy Statute incorporated into it, in order to guarantee its sustainability and reflect its special place in the country's national juridical architecture.	The Conflict of W. Sahara is a question of decolonisation	Morocco does not recognize that the W. Sahara problem has been generated out of decolonization process. It talks about the autonomy statute and how to accommodate this one within the Greater Morocco.
<u>Referendum</u>	The Region's autonomy statute shall be the subject of negotiations and shall be submitted to the populations concerned in a free referendum. This referendum will constitute a free exercise, by these populations, of their right to self-determination, as per the provisions of international legality, the Charter of the United Nations	The Settlement Plan approved by the two parties to the conflict, the Kingdom of Morocco and the Frente POLISARIO, and by the Security Council in its resolutions 658 (1990) and 690 (1991), complemented by the Houston Agreements negotiated and signed in	Morocco talks about the Referendum to determine the autonomy status while Polisarios insists to implement the settlement plan as agreed upon by UN previously.

**ANNEX B TO
CONFLICT IN WESTERN
SAHARA**

United Nations Mission for the Referendum in Western Sahara (MINURSO)



	<p>and the resolutions of the General Assembly and the Security Council.</p>	<p>September 1997 by the Kingdom of Morocco and the Frente POLISARIO, under the auspices of James Baker III, Personal Envoy of the UN Secretary-General, and endorsed by the Security Council as well as the Peace Plan for Self-determination for the People of W. Sahara or Baker Plan approved by the Security Council in its resolution 1495 (2003), all provide for the holding of a referendum on self-determination in Western Sahara.</p>	
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<p><u>Post-referendum guarantees to Morocco and to Moroccan residents in Western Sahara</u></p>	<p>Sahrawis, inside as well as outside the territory, that they will hold a privileged position and play a leading role in the bodies and institutions of the region, without discrimination or exclusion</p>	<p>Readiness of the Frente POLISARIO to negotiate with a view to holding the referendum on self-determination and the granting of post-referendum guarantees to Morocco and to Moroccan residents in Western Sahara. If in the event that the referendum on self-determination would lead to independence then guarantees of:</p> <ol style="list-style-type: none"> 1. The mutual recognition of and respect for the sovereignty, independence and territorial integrity of the two countries in accordance with the principle of the intangibility of the borders inherited from the independence period. 2. The granting of guarantees concerning the status and the rights and obligations of the Moroccan population in Western Sahara, including its participation in the political, economic and social life of the territory of Western 	<p>Morocco spells about the rights of the Sahraw is inside and out of the territory in case of autonomous region while Polisario reaffirms the event of referendum which might lead to self-determination. In this case, it seeks certain rights and privileges from international and Moroccan authority while acting as a free nation. This is in total contradiction with Morocco's offer.</p>
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Sahara. In this respect, the Saharawi State could grant the Saharawi nationality to any Moroccan citizen legally established in the territory that would apply for it.

3. The agreement on equitable and mutually advantageous arrangements permitting the development and the joint exploitation of the existing natural resources or those that could be discovered during a determined period of time.

4. The setting up of formulas of partnership and economic cooperation in different economic, commercial and financial sectors.

5. The renunciation by the two parties, on a reciprocal basis, of any compensation for the material destructions that have taken place since the beginning of the conflict in Western Sahara.

6. The conclusion of security arrangements with the Kingdom of Morocco as well as with

		<p>the countries of the region that may be interested.</p> <p>7. The commitment of the Saharawi State to work closely with the Kingdom of Morocco as well as with the other countries of the region with a view to bringing to conclusion the integration process of the Maghreb.</p> <p>8. The readiness of the Saharawi State to participate with Morocco and the countries of the region in the maintenance of peace, stability and security of the whole region in the face of the different threats that could target it. Likewise, the Saharawi State would positively consider any request from the United Nations and the African Union to participate in peace-keeping operations.</p>	
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<p><u>Structure of the Proposed Government</u></p>	<p>Acting through legislative, executive and judicial bodies, the populations of the Sahara autonomous Region shall exercise powers, within the Region's territorial boundaries, mainly over the following:</p> <ul style="list-style-type: none"> · Region's local administration, local police force and jurisdictions; · In the economic sector: economic development, regional planning, promotion of investment, trade, industry, tourism and agriculture; · Region's budget and taxation; · Infrastructure: water, hydraulic facilities, electricity, public works and transportation; · In the social sector: housing, education, health, employment, sports, social welfare and social security; · Cultural affairs, including promotion of the Saharan Hassani cultural heritage; · Environment. 		<p>Morocco outlines the structure of Government including the portfolios that Saharan state would be controlling while being autonomus. Polisarios did not mention anything as they don't accept such autonomy.</p>
<p><u>Use of Resources</u></p>	<p>The Sahara autonomous Region will have the financial resources required for its development in all areas. Resources will come, in particular, from:</p> <ul style="list-style-type: none"> · taxes, duties and regional levies enacted by the region's competent authorities; · proceeds from the exploitation of natural resources allocated to the region; · the share of proceeds collected by the state from the exploitation of natural resources located in the region; · the necessary funds allocated in keeping with the principle of national solidarity; · proceeds from the Region's 		<p>Polisarios do not outline anything about resources sharing except in earlier para where a partnership had been proposed only.</p>

	assets.		
<u>Centrally controlled portfolios</u>	<p>The State shall keep exclusive jurisdiction over the following in particular:</p> <ul style="list-style-type: none"> · The attributes of sovereignty, especially the flag, the national anthem and the currency; · the attributes stemming from the constitutional and religious prerogatives of the King, as Commander of the Faithful and Guarantor of freedom of worship and of individual and collective freedoms; · national security, external defense and defense of territorial integrity; · external relations; · the Kingdom's juridical order. 		<p>Polisarios do not recognize any such centrally controlled matters as it is contradictory to their aspirations. They already have their own national flag and anthem.</p>
<u>Foreign relation</u>	<p>State responsibilities with respect to external relations shall be exercised in consultation with the Sahara autonomous Region for those matters which have a direct bearing on the prerogatives of the Region. The Sahara autonomous Region may, in consultation with the Government, establish cooperation relations with foreign Regions to foster inter-regional dialogue and cooperation.</p>		<p>Polisarios also does not recognize such matters as a free state it would automatically engage itself in bilateral and multilateral state to state relationship.</p>
<u>Exercise of Power</u>	<p>The powers of the State in the Sahara autonomous Region, as stipulated shall be exercised by a Representative of the Government.</p>		<p>Polisarios denies any such arrangement on the point of being a free state which is sufficient enough to control its activities.</p>
	<p>Powers which are not specifically entrusted to a given</p>		

	party shall be exercised by common agreement, on the basis of the principle of subsidiarity.		
<u>Representation in parliament</u>	The populations of the Sahara Autonomous Region shall be represented in Parliament and in the other national institutions. They shall take part in all national elections		Polisarios would have their own parliament as such this kind of arrangement is also refuted.
<u>Bodies of the Region</u>	The Parliament of the Sahara autonomous Region shall be made up of members elected by the various Sahrawi tribes, and of members elected by direct universal suffrage, by the Region's population. There shall be adequate representation of women in the Parliament of the Sahara autonomous Region		Polisarios do not mention any such enterprises due to the fact that a free state would determine the composition of parliament.
	Executive authority in the Sahara autonomous Region shall lie with a Head of Government, to be elected by the regional Parliament. He shall be invested by the King. The Head of Government shall be the Representative of the State in the Region. The Head of Government of the Sahara autonomous Region shall form the Region's Cabinet and appoint the administrators needed to exercise the powers devolving upon him, under the present autonomy Statute. He shall be answerable to the Region's Parliament		

	<p>Courts may be set up by the regional Parliament to give rulings on disputes arising from enforcement of norms enacted by the competent bodies of the Sahara autonomous Region. These courts shall give their rulings with complete independence, in the name of the King. As the highest jurisdiction of the Sahara autonomous Region, the high regional court shall give final decisions regarding the interpretation of the Region's legislation, without prejudice to the powers of the Kingdom's Supreme Court or Constitutional Council. Laws, regulations and court rulings issued by the bodies of the Sahara autonomous Region shall be consistent with the Region's autonomy Statute and with the Kingdom's Constitution</p>	
<u>Human rights issue</u>	<p>The Region's populations shall enjoy all the guarantees afforded by the Moroccan Constitution in the area of human rights as they are universally recognized</p>	<p>Morocco purposefully raises such issue so to agree that there had been human rights violations</p>
<u>Economic and social issues</u>	<p>An Economic and Social Council shall be set up in the Sahara autonomous Region. It shall comprise representatives from economic, social, professional and community groups, as well as highly</p>	<p>Morocco also recognizes the backwardness of the Saharan territory in the field of economic and social issues</p>

	qualified figures		
<u>Constitution</u>	The Kingdom of Morocco shall take all the necessary steps to ensure full integration, into the nation's fabric, of persons to be repatriated. This will be done in a manner which preserves their dignity and guarantees their security and the protection of their property		Morocco proposes such changes in her constitution because of the fact to accommodate the autonomous status of sahara.
<u>Question of former rebels</u>	The Kingdom of Morocco shall, in particular, declare a blanket amnesty, precluding any legal proceedings, arrest, detention, imprisonment or intimidation of any kind, based on facts covered by this amnesty. A Transitional Council composed of their representatives shall assist with repatriation, disarmament, demobilization and reintegration of armed elements who are outside the territory, as well as with any other action aimed at securing the approval and implementation of the present Statute, including elections		Morocco had to admit such fact and wants to give out a concrete outline of the Polisario fighters' destiny.

INTERVIEW WITH BRAHIM BEDILEH, COMMANDER, 2ND MILITARY
REGION (TIFARITI), POLISARIO FRONT, 25 APRIL 2001¹

The following transcript was conducted through an interpreter, and therefore is an approximation and not fully representative of Commander Bedileh's statements:

BB:

We are currently in a stand-by position, still waiting. Nobody wants to lose time in waiting to resolve our problem of liberation. 26 years of fighting for our existing rights of self-determination, our case is one of legal consensus that we see all over the world. All of these years, we have always avoided the temptation to fall (or to be closer) to closed systems, whether in terms of communism or Islam. Our main ideology is to make our country free, and to achieve our self-determination. Our strength and power comes from our people. This is not a cause for a simple group of persons. We are working now as a unified party to get our objectives. The final decision is always in the hands of the masses, no one can decide for the masses.

All of these years, we have avoided all kinds of activities that do not comply with international law. Our soldiers are free; it would be easy to go inside the Moroccan territory, to infiltrate, and to bomb hotels or civilians, or to mine roads or the airport. We know that their main source of income is tourism. But we wait for a legal solution because we are a pacific and responsible government. We always respect the rules dictated by the UN and international organizations. We never opted for the ways of terrorism or something like that, in spite of quite a lot of provocations by the enemy. We have been bombed by napalm, including the city centers of the Sahrawis. And yet, we always have been fighting in legal terms. But we have patience, and until the time we have to return to war, we will be patient.

Above all, we know that international opinion is not very serious, and that we have a better history. But a hard history, full of betrayals and deception. There are three deceptions. The first deception was in 1975. The 1st Commission of the UN visited everyone and they decided to organize a referendum in six months. But at that time, what occurred? The Tripartite Deal (the Madrid Accords), which divided the territory. Then, they invaded and bombed the territory in 1975 and 1976. The UN had decided at that time to make a referendum, but in spite of that, the enemies had divided our country and invaded. Before this, in October and September of that year, Juan Carlos of Spain had visited the Sahara and made a speech full of promises: that Spain will defend the Sahrawi people. But after the speech, Spain abandoned our country. Then, we had to begin our

struggle to make the international community remember that there exists a people, who is fighting for their right to self-determination.

Second: For the past ten years, we have been waiting again for the UN to do what it is supposed to do and what they have promised to our people. For ten years, we have lived with the legacy of the bombs and the mines furnished to Morocco by the U.S. These are Lancaster bombs each with 780 bomblets. Before the Palestinians were bombed in Lebanon, we were bombed here. Despite the danger, the Sahrawis continued their determination. This did not kill their determination, the tanks, the mortars, the satellites with photo capabilities, the weapons supplied by the U.S., France, Italy, Belgium, the UK, Israel, Germany, Austria, Libya, Iran, South Africa, Brazil, Egypt, Romania, Slovakia. All of these countries were in coalition with Morocco. We were Iraq, but they could not defeat our soldiers. We were happy when Baker was selected as the intermediary in this conflict, in spite of previous U.S. support for Morocco. We forgot the past. Our people have a lot of tolerance. We forgot the problems of the past. We began to be very optimistic especially when we thought about what Baker had done in Kuwait, our people made comparisons. But Baker has taken four years. He has to insist on the deal made under the Houston Agreements.

But there is the third solution. Who is behind this? Baker, Annan, Morocco, or France? Who is responsible? We are not worried about who is behind this. In 1974, the Spaniards offered for the Sahrawi people to become a province of Spain, but with wide autonomy and different from all other regions, like Catalonia. The problem is not autonomy. The key question is that the Sahrawi people must determine their destiny by vote, by self-determination. Now, to go back 27 years is unacceptable. To accept from Morocco, what Spain originally offered, is unacceptable. There are no similarities between Spain and Morocco; not in democracy, not in economy, not in respect for human rights, not in civilization, not in opportunities to be offered to the Sahrawi people. That is wrong. It is a big error and a big mistake. There is a phrase in Spanish: we pull down our pants to the third option.

Our struggle is not to be a government, or to have three to five factories, or to have money, a monthly tax, these are secondary issues. The first thing is to make our people free, to have our people fulfill their right to self-determination. In this time, we are standing-by but we have begun to lose our patience. I have no words to convince these soldiers for this kind of waiting, the soldiers insist daily to do something. They will solve the problem peacefully or we will go to the front, and one day they can get out of control, and attack behind the berm into Morocco. As a military region, we have two main tasks. The first is military: to train, prepare, repair, acquire new knowledge, study the enemy's tactics, develop methods of countering their technology (radar), pay attention for airplanes, and disarm and remove mines. Second, we have a lot of Bedwys in the area. We serve them. We have to take care of them, to pick up mines, and unexploded ordinance. And we have to support them in their search for water, and to help them in terms of health. The task of detonating bombs that have been left by the

enemy occurs with the cooperation of the UN. They help us to mark the positions of the mines and we have to explode them.

In this region, we have a MINURSO center. There is a curiosity. Previously, this sector was always under the command of a member of the US Army. For two years now it has been controlled by the French, who are the friends of the Moroccans. Personally, MINURSO has old ideas. For example, they divide this sector into three areas. The Chief of the South Sector is a Chinese. The North Sector is controlled by the French. The Russians command Tindouf. These are the big sectors, and each sector has subsectors (Agwanit, Mehaires, Mijek). Typically, the team-site commander is the officer who has spent the longest period of time in the site. For example, if there are 12 officers, 2 US, 2 French, Egyptian, Malaysian, Chinese, Italy, Kenya and Ghana. The one that spent the longest in the site becomes the commander. Whoever spends the longest time is in command. But there have been movements to make the French officer the ones with the longest site experience. Now this center is commanded by a Russian but in one month it will be French. There is a case of an officer from Argentina, who had been here for one year, but when it was time for him to assume command, he was moved to Laayoune. We have always had good relations with MINURSO, and we respect their work here. They were very free before last December. We discovered that when we gave them a lot of freedom, they tried to control us. On the Moroccan side, they cannot move without permission. The Moroccan bases on the northern borders are not controlled by the MINURSO forces. The Moroccan forces have brought arms there. Occasionally, MINURSO conducts a patrol along the berm, but they cannot go behind the berm. They control only those Moroccan forces that are positioned on the berm, but they do not go 20 kms behind the berm where there are no patrols.

Q: What is the potential for the resumption of war?

BB:

Always we have made a difference between the cease-fire and peace. There is a big difference. The cease-fire is not a definitive thing, whereas, peace is a definitive thing. As we are military, we are always prepared for the possibility of war. We have not increased our soldiers, nor have we bought new material. The main weapon we have is our determination and willingness. First, all the Sahrawis are fighting for their legitimate and unified cause. We are volunteers, all Sahrawis are volunteers. We are not here for a professional purpose, but for the fight for liberation. Second, we are fighting in a territory that we know very well. Third, we are fighting in our own climate. Fourth, we have the initiative and the choice as to when, where, and how to attack, because of the berm. Fifth, we have much experience, whereas, for Morocco, the situation is the opposite.

Moroccan troops are controlled, not volunteers, forced to do things, and fight in a foreign country. They cannot move without maps or without the GPS apparatus. They are in a

different climate that is very hard on them. And they are always standing-by for attack. Always nervous. They do not know how, when, or where we can attack them. And then, the soldiers are very conscious that they are fighting for a thing that is not for them. The level of force and support that they had in the time of Hassan II is not available to them anymore. They cannot get it. From my experience, he was a real king, with old international support, with experienced officers and with a staff that worked with him. Even with the experience they had, and with the sophisticated materials, they could not defeat our forces. Mohammed VI cannot achieve one percent of what his father has done. Therefore, the best thing for all Moroccans and Sahrawis is a democratic referendum, which is transparent and legal.

Over the last decades, during the 1970's and 1980's, the American Congress voted to support Morocco with developed and significant military material. Today, it is not the same. The Congress are supporting or are asking to apply the referendum and peace process demanded by the UN. France still has its old colonial culture, and they ignore the rights of the Sahrawi in this region, in spite of the fact that they had had previous experience with the Sahrawi people. They struggled with the Sahrawi people. We have a variety of martyrs and warriors, who fought against France in 1912. Today, there are no foreign people here, except the tombs of our old martyrs against foreign invaders. Our struggle for freedom is not recent, but for a century or more.

Q: The Timor Scenario?

BB:

The worst thing the Moroccans could do was when they invaded the Sahara, but this never made it legal for them to be on the Sahrawi's territory. And the problem is one of legality. I think the UN has learned from its experience in East Timor. Under the Houston Agreements, the UN assumed the responsibility of protecting the results of the vote. They may abandon this responsibility. What's happened with what Sharon is doing now in the Palestinian Occupied Territories? The experience they get from East Timor. Indonesia destroyed everything, but at least the Timorese people received their independence. Our territory is different. There is no great power interest in this territory. The Spanish people are not in complete solidarity with our people like the Portuguese were in East Timor. And we cannot compare Algeria to Australia. The only thing behind the Sahrawi people is their rights. Algeria supports us to certain limits, but they cannot intervene in our particular issues and they can never be in our position.

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INTEVEIW OF JAMES A. BAKER III BY MISHAL HUSAIN

Sahara Marathon: Host Interview Transcript

August 19, 2004: Former U.S. Secretary of State, and former Personal Envoy of the U.N. Secretary General to Western Sahara, James A. Baker III discusses the protracted conflict in Western Sahara with host Mishal Husain.

MISHAL HUSAIN: Secretary Baker, welcome to WIDE ANGLE.

JAMES A. BAKER III: Thank you.

MISHAL HUSAIN: Now Western Sahara is a part of the world that very few Americans get to see. You've actually been there. What are your impressions of the land and its people?

JAMES A. BAKER III: Well, I've been both to Western Sahara proper and to the camps. It's of course mostly desert, it is the Sahara. We have now a program of family visits that is a confidence-building-measures program that is being undertaken with the help from the United Nations human rights people and other U.N. agencies.

MISHAL HUSAIN: But what was it about this conflict that made you want to get involved with it?

JAMES A. BAKER III: Well, when Kofi Annan talked to me back in 1997 about possibly helping him out with Western Sahara. I said, Kofi, Western Sahara is not something that was at the top of the agenda when I was Secretary of State. In fact, I don't think the issue ever made it to the seventh floor during the four years I was Secretary of State. But if you've been privileged, as I was, to be Secretary of State of the United States and you get the conflict resolution experience that I got, I think you have an obligation to use that to help people if you can.

MISHAL HUSAIN: And you ended up spending seven years?

JAMES A. BAKER III: And I ended up being the personal envoy of the Secretary General for seven years. During that time I convened 14 formal meetings of the parties on three continents and on any number of informal meetings of one party or the other. We put a lot of plans on the table. Three or four different proposals including the settlement plan, which had been agreed to by the parties back in 1991 when Javier Perez de Cuellar was the U.N. Secretary General.

MISHAL HUSAIN: Now in the film we see the Sahrawi people, we see Abdullah, for instance, longing to go back to his old home. Was the Sahrawi people's plight something that you felt quite strongly about? Do you feel that, that they've suffered an injustice perhaps or that they have a

right to self-determination?

JAMES A. BAKER III: Well if you're going to be a non-partisan, an unbiased mediator you don't take on one of these issues with a preconception about that thing. But it is certainly true that the Sahrawi people are in very bad shape living in those refugee camps, subsisting entirely on donations from private voluntary organizations. And, of course, what we were seeking to do was to find a political solution if we could, that would provide for self-determination as the U.N. Security Council resolutions require and give these people at least a shot at self-determination. When I first took the job on I was led to believe that the conflict was ripe for some sort of autonomy-based solution where the Moroccans would give self-government to the Sahrawi, the conflict would be resolved, the people from the camps would move back into the territory itself, and they would be given a liberal degree of self-government. I worked very hard on that for the seven years. We were never able to accomplish that.

MISHAL HUSAIN: Why was it so hard then to get the basic vote in? Surely that was the most fair way to deal with it; this referendum was promised for thirteen years.

JAMES A. BAKER III: Well you have to go back to 1991 under Javier Perez de Cuellar, the U.N. Secretary General. He put something on the table called the settlement plan to which both the Sahrawi's POLISARIO Front and Morocco agreed, which called for a vote based on a Spanish census of 1975 or 1976. The closer we got to implementing the settlement plan - and we got quite close, in fact, we got a code of conduct for the election agreed to right here in Houston at the Baker Institute, we got the Houston accords agreed to. The closer we got, the more nervous I think the Moroccans got about whether they might not win that referendum.

MISHAL HUSAIN: Do you blame them then for the fact that ultimately your plan failed and you're no longer ... ?

JAMES A. BAKER III: Well, wait a minute -- now you're jumping ahead. I was talking about the old plan, the 1991 plan. Now, let me tell you about my plan, which is still on the table, called the Peace Plan for Self-Determination of the People of Western Sahara. That plan changed the settlement plan, which Morocco had decided they were no longer going to try and implement in this way. It broadened the electorate so that everyone in Western Sahara would have the right to vote on this issue of self-determination on the referendum and not just the people who were identified in the Spanish census of 1975 or 1976. And even under that arrangement, now that plan, by the way, was unanimously approved by the Security Council Resolution 1495, and the Moroccans concluded that they weren't even willing to risk a vote under those circumstances. And, of course, that made it impossible to reach a solution to which both parties would agree. The Security Council has never been willing to impose a solution, that is, to move to Chapter 7 of the U.N. Charter from Chapter 6, which requires consensus of both parties.

MISHAL HUSAIN: Is that why ultimately you decided it was time to step down? Did you feel you couldn't do anything more?

JAMES A. BAKER III: Well, I'd done everything in the world I think I could do in seven years and so I thought well maybe let's let somebody else have a shot at this. I did this for seven years as a volunteer. I would not accept any compensation for it and, in fact, didn't even ask that all of the expenses be reimbursed. So I put a lot -- before the Peace Plan for Self-Determination, we had the Framework Agreement. We had the Settlement Plan. There was any number of different

approaches tried during that seven-year period.

MISHAL HUSAIN: Some of Sahrawi might feel, perhaps, that you let them down because actually the reality of their lives and their problems goes on and possibly their best chance of getting this solved was the profile that you brought to it.

JAMES A. BAKER III: Well that may be so, but I don't think you're going to find that, you go talk to some of them. I think they will acknowledge to you that I stayed much longer than they originally expected that I would stay. I certainly know this, that I gave it my best and I tried everything I knew to try.

MISHAL HUSAIN: How much of a fact during the whole dispute is the question of oil? We've now got the first indications from various oil companies that there are probably commercially viable oil fields off the coast. Do you think that does make it harder to solve this dispute because the stakes are higher?

JAMES A. BAKER III: I'm not sure it makes it harder. The dispute was there beginning in 1975. And the dispute is going to be there regardless I think of the discovery of minerals. In fact, if there is some indication of economic production and viability it might even make it easier in the final analysis to find some mutually acceptable political solution. But the real issue is whether or not no country on the Security Council is going to expend political chips on the issue of Western Sahara. That's what makes this so difficult because the profile of the issue is so very low and they're not going to want to risk alienating either Morocco, on the one hand, or Algeria, on the other, by taking a firm position. And they're not willing to ask either or one or both of the parties to do something they don't want to do.

MISHAL HUSAIN: But on the oil question, Morocco is a big importer of oil and it's also a party in this dispute. With the sense that this region is even more valuable than just on the mineral rich side of things which it had been before. Doesn't that make Morocco probably more determined to hang on to it and make the chances of settling it more difficult?

JAMES A. BAKER III: Well I find that hard to believe because Morocco is absolutely determined to hang on to it. It's an issue that inside Morocco there is no dissent with respect to it. Everybody, every political party, everybody from every shade or persuasion will tell you that the Sahara is Moroccan. Period. That's it.

MISHAL HUSAIN: Does the oil question, perhaps, bring about a personal interest for you because you've known that industry very well? You've had links to that industry...

JAMES A. BAKER III: No, that's ridiculous.

MISHAL HUSAIN: Was it something that got you interested?

JAMES A. BAKER III: That's absolutely ridiculous. I was asked to do this by the Secretary General. I told you why I did it. I did it because if you're fortunate enough to be Secretary of State of the United States and have the experience in conflict resolution that I have and you can maybe do some good for some people on both sides of the dispute, you ought to do it.

MISHAL HUSAIN: Is it a reason, perhaps, for the United States to be interested in the region?

This is a time where we've got problems in the Middle East. Is the oil issue in West Africa a reason for the United States to take more of an interest in Western Sahara than it might otherwise do because of that potential?

JAMES A. BAKER III: I don't really think so. I mean you've got the POLISARIO Front giving leases to Australian companies. You've got Morocco giving leases to other companies, some in Europe some in the U.S.. It might highlight the profile of the issues somewhere down the line if they make any discoveries. They haven't yet, as far as I know. I don't think they made any major discoveries.

MISHAL HUSAIN: You spoke a moment ago about getting the Security Council interested. Do you think in an age of the war on terrorism perhaps the fact that there are suspicions about terrorist activity in southern Sahara might change that? That there might be a sense, perhaps, that this is a region to watch closely, you don't know what might happen there.

JAMES A. BAKER III: Well, that's possible. I think that may very well be possible. There is some concern about, as you say, terrorism in southern Sahara, but the truth of the matter is that both Algeria and Morocco, who are the two chief protagonists here, are cooperating, particularly with the United States, in the war on terror. So it's a difficult issue for the United States, more difficult for the United States, perhaps, than other countries because the United States wants to remain close to both Morocco and Algeria.

MISHAL HUSAIN: Could the terrorist activity in southern Sahara spill over into Western Sahara? Because the U.S. army was talking in April this year about Muslim extremists moving into these massive open spaces saying that they are as elusive there as if they were out at sea.

JAMES A. BAKER III: It's conceivable. I think there's some in northern Mauritania now, there's some activity -- and in sub-Saharan Africa. So I suppose it is possible. There are great vast, vacant open spaces in very, very harsh environments.

MISHAL HUSAIN: It would be easy for people, presumably, to hide as well?

JAMES A. BAKER III: Pretty hard to hide in a desert but ...

MISHAL HUSAIN: Do you think though that in the bigger picture the United States can afford to let conflicts like this -- Western Sahara has been going on for almost 30 years -- that you can afford to let conflicts like this fester? I mean Afghanistan was ignored for so long and, you know, turned out to be something that the U.S. ...

JAMES A. BAKER III: Well, Afghanistan really wasn't ignored. We were supporting the mujahideen against the Soviet occupation, we certainly didn't ignore it.

MISHAL HUSAIN: But in the period after that and before 9/11?

JAMES A. BAKER III: The period after that with the growth of the Taliban, yeah, perhaps so. But this is a really low intensity, low level dispute. Look, there's no action forcing event in the Western Sahara conflict. Morocco has won the war. She's in possession. Why should she agree to anything? And so she is disinclined to do so. Well, there's one very good reason why she should, because she will never receive the imprimatur of international legitimacy for her occupation of

the territory unless she works out some arrangement that is blessed by the international community, blessed by the Security Council, or acceptable to the other party. That's why we work so very hard on the idea of an initial autonomy arrangement with self-government and then a referendum at the end to meet the test, the requirement of the Security Council for Self-Determination.

MISHAL HUSAIN: I think one of the really striking things that we see in the film and really extraordinary in many ways is how sophisticated a society the Sahrawi actually have. They're living in refugee camps but they have 95 percent literacy. They have a democratic form of government. And the role of women is very prominent.

JAMES A. BAKER III: That's correct and they will tell you that they have never resorted to terror, that they will never resort to terror. They will tell you that they want to form a society which will be at peace with all nations including Israel. I mean they make these statements.

MISHAL HUSAIN: That's extraordinary in the Arab and Muslim world.

JAMES A. BAKER III: Yes.

MISHAL HUSAIN: Isn't that a society that we should be championing?

JAMES A. BAKER III: Well you got to balance that against the interest that we have in maintaining close relationships with Morocco and, of course, with Algeria. We're sort of on the horns of a dilemma there. On the other hand, from a strictly human-rights standpoint and from the standpoint of the right of all people to self-determination, the answer to your question is yes.

MISHAL HUSAIN: So, Morocco and Algeria to the United States, or perhaps to the international community, are more important why? Because of radical Islam?

JAMES A. BAKER III: Well, they're joining in the fight against terror. They've helping the United States significantly, both of those countries. And of course they're on different sides of this issue.

MISHAL HUSAIN: Do you think it is fair that that's more important today than solving the Western Sahara dispute?

JAMES A. BAKER III: Well if you ask the average American they would say probably it is, because, the war on terror has to do with their own personal security and safety. And not with the difficulties and the difficult situation of some 200,000 refugees living in the desert in northern Algeria.

MISHAL HUSAIN: If you look at it from the Sahrawi perspective they might think, what was the advantage for us in giving up the arms struggle. We were promised a referendum and it hasn't happened.

JAMES A. BAKER III: Yes.

MISHAL HUSAIN: That might be the lesson they take away from it.

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JAMES A. BAKER III: That very well might be. Certainly.

MISHAL HUSAIN: And how do you feel about that?

JAMES A. BAKER III: Certainly might be. That would be a conclusion you could understand them arriving at, couldn't you? For 10 or 11 years Morocco said publicly and privately that she wanted the settlement plan and wanted this referendum and then toward the very end, right after the voter list had been made, the voters had been identified, she said, Well, it's no longer applicable; we're not going to go forward with the settlement plan.

MISHAL HUSAIN: Do you think armed hostilities could resume then?

JAMES A. BAKER III: I don't know. I have no idea. I think that's an issue probably that is more on the plate of Algeria than anybody else because it isn't going to resume unless Algeria permits it to happen. As long as Algeria says to the POLISARIO you're not going to fight anymore then they're not going to fight anymore.

MISHAL HUSAIN: Because there are these reports of frustration in the camps understandably perhaps....

JAMES A. BAKER III: Sure, understandably.

MISHAL HUSAIN: But they're still waiting.

JAMES A. BAKER III: Sure because they were promised a referendum. The other side agreed to it right up to the very point of the referendum and then backed out. And then you had the plan I put on the table which got the unanimous support of the Security Council, 15 to nothing and it was then rejected by Morocco. So I'm sure the Sahrawi are going to say, wait a minute, what do we have to do here to get a shot at self-determination? What do we have to do? We've said we'll include -- well, they didn't say this, I did -- we'll include all of the people in Western Sahara as voters in the self-determination referendum. And the Moroccans are evidently even afraid of that.

MISHAL HUSAIN: And what would you say in answer to that question? What do they have to do to get anywhere with their dispute?

JAMES A. BAKER III: Well, the future with respect to that doesn't look very bright is what I will say. We've tried almost everything I know how to try. Now as I told you earlier in the interview, there's no action forcing event. If there's no conflict, if there's no pressure for a settlement or for a referendum or even for autonomy, the Moroccans have talked about being willing to offer autonomy but they've never been willing to put a proposal on the table. They've simply said that they're willing to negotiate on autonomy arrangement.

MISHAL HUSAIN: And what was it like for you or what is it like for you now to look at this -- and you spent seven years on this dispute, do you feel it was a waste?

JAMES A. BAKER III: No, I don't think it was a waste at all. I think at least we know now where the parties really stand. We know what might or might not be doable, because the fact that I was the personal envoy for a while brought a little attention to the conflict. But I can't think of anything more that I would do.

MISHAL HUSAIN: Do you think it is solvable? There is something that can be done?

JAMES A. BAKER III: Well I think any dispute like this is solvable given goodwill on the part of both parties but you haven't had that. If you don't have that, if they're not willing to exercise the political will necessary to reach a solution and the Security Council is not willing to move from Chapter 6, that is consensus, to Chapter 7 where they can ask the parties, force the parties, one or both of them, to do something they don't want to do. Then I don't know where the solution comes from. This issue is really not unlike the Arab-Israeli dispute: two different peoples claiming the same land. One is very strong, one has won the war, one is in occupation and the other is very weak.

MISHAL HUSAIN: How does all of this then leave you feeling about the U.N. and conflict resolution? What is your experience of being involved as a U.N. envoy leave you feeling about that as a forum for dispute resolution?

JAMES A. BAKER III: I think with the U.N. what you get is the lowest common denominator because you have 15 countries on the Security Council -- and I would remind you that the United Nations has only functioned the way the founders intended one time and that was when it voted 12 to 3 to authorize the use of force to kick Iraq out of Kuwait which was a resolution that I worked on as Secretary of State and that we got. That's the only time it's ever done that. Any other time they want the parties to get together and agree. And some of these issues and conflicts are very difficult to resolve by consensus.

MISHAL HUSAIN: But it's the only forum we've got, really, or the best forum for dealing with this kind of thing?

JAMES A. BAKER III: Well I think probably for this, yes. The Sahrawi will tell you that this is the last de-colonization issue facing the United Nations. And the majority of the General Assembly would probably so vote because, when the Spanish pulled out they never determined -- there was never a determination of who would have sovereignty over what used to be Spanish Sahara. Same problem that you have with the Arab-Israeli dispute.

MISHAL HUSAIN: How do you feel about that particular dispute today -- the Arab-Israeli dispute? It was something you knew so well ...

JAMES A. BAKER III: Yes, I ...

MISHAL HUSAIN: ... during your time in office, and it's still there today.

JAMES A. BAKER III: I have a lot of thoughts about that, that I will share with you at some other occasion.

MISHAL HUSAIN: But your reflections on being Secretary of State in a different era, obviously Arab-Israeli issue is one that's still there today?

JAMES A. BAKER III: Sure it's still there today.

MISHAL HUSAIN: Overall, you were Secretary of State at a time when the Cold War was

coming to an end. Today we live in an age of the war on terrorism.

JAMES A. BAKER III: Right.

MISHAL HUSAIN: How different are the challenges?

JAMES A. BAKER III: Well, I think the challenges are significantly different frankly. We were dealing with nation states. We were dealing, as you point out, with the Cold War. I was the last, I guess, Cold War Secretary of State of the United States, and the Cold War ended sort of on our watch. And I'll tell you when it ended, in my view, was right after Iraq invaded Kuwait and I met in a Moscow airport with Edward Shevardnadze who was the Foreign Minister of the Soviet Union. We stood shoulder to shoulder and condemned the actions of Iraq, which was a Soviet client state. Now you see that happening, you've got to know that the Cold War is over.

MISHAL HUSAIN: So was it easier in a sense then because the Cold War was coming to an end naturally, in a way ...

JAMES A. BAKER III: Well I don't know ...

MISHAL HUSAIN: Today it's a different thing.

JAMES A. BAKER III: Maybe easier in the sense of knowing who your enemy was and knowing what your policy should be. In the Cold War it was sort of simple. If the Soviets were for it, we were against it. And if we were for it, they were against it. And today it's a little bit more difficult. But that issue is not involved really in this Western Sahara dispute.

MISHAL HUSAIN: Yes. Let me just ask you for a moment though about your theories about conflict resolution and what works and what doesn't. Is the lesson then the only thing that works is where there is a will otherwise perhaps you needn't bother?

JAMES A. BAKER III: If you're going to say that you have to resolve the conflict by consensus agreement between the parties then the parties have got to want to resolve it. And there really should be some outside action forcing events that lead them to that objective. If, on the other hand, you can persuade let's say, the Security Council as we did in the lead up to the Gulf War to use its Chapter 7 powers to impose upon one party or the other or ask one party or the other to do something they would not otherwise voluntarily agree to do, that's a little different. And it's easier to resolve a conflict when you have that power and that ability behind you.

MISHAL HUSAIN: But rather than the U.N., what about the U.S.? Many people say that the only time many conflicts move is when the U.S. gets involved. Northern Ireland -

JAMES A. BAKER III: Quite true.

MISHAL HUSAIN: ... was one of those ...

JAMES A. BAKER III: Quite true.

MISHAL HUSAIN: The Arab-Israeli conflict was one.

JAMES A. BAKER III: That's very true, but I've already mentioned to you the difficult problem the United States has here because it has two countries that are cooperating with it in the war on terror with which it wants to stay on good relations -- both Algeria and Morocco.

MISHAL HUSAIN: So the war on terror has complicated the U.S. role in every other ...

JAMES A. BAKER III: So that's why the 101st airborne isn't going to go in and require self-determination in the Western Sahara.

MISHAL HUSAIN: And that's the reality of the world we live in?

JAMES A. BAKER III: That's a fact of life and it's an understandable fact, I think, quite understandable. The same thing is true with respect to the Arab-Israeli dispute. The United States will seek to be and is the indispensable honest broker and mediator, but that dispute is not going to be resolved through the unilateral or the use of American military power. It is not.

MISHAL HUSAIN: So what would you say to the Sahrawi today, because in the film we see people like Ahmed dreaming of their old homes, their homes on the coast, their memory of water? Is it a dream that's worth keeping alive?

JAMES A. BAKER III: It's a very difficult, very, very difficult situation. As I began to mention early on in our session here that we now have some family visits going back and forth, which have been, depending on who you ask, very successful. It's reuniting people who live in the camps for 26, 27 years with family members who now live in the territory. The Sahrawi think that those family visits are extraordinarily helpful and successful. I'm not sure the Moroccans feel that way.

MISHAL HUSAIN: But would you say there's still hope for the Sahrawi?

JAMES A. BAKER III: Well I think as long as the issue remains unresolved yes, I think there's hope. I think there's hope because I don't know of hardly any country in the world that as a matter of international law, international recognition, recognizes Morocco's claim to the Sahara. Morocco needs to have international legitimacy attached to its claim. And that's why it's very much in Morocco's interest to find a way to work this thing, to work this thing out. It's obviously in the interest of these poor Sahrawi refugees who are living in the desert in very, very harsh conditions in northern Algeria.

MISHAL HUSAIN: You've talked about the involvement of both Algeria and Morocco. What is Algeria's real interest here because it has been hosting these refugee camps for such a long time surely it would like to see ...

JAMES A. BAKER III: Well Algeria will tell you that they're interested only in one thing and that is that the Sahrawi people have a right to exercise their right of self-determination. But they have an interest as well in getting this matter settled because until it is settled, there's going to be a conflict between Algeria and Morocco with respect to this issue. It's going to affect the Maghreb generally. You cannot, you will not get the economic development in the Maghreb that you would get if there were a settlement of the Western Sahara issue.

MISHAL HUSAIN: And when you look at Morocco and its attitude perhaps all along, wouldn't

it also like to see a settlement to this just so that we don't have this situation of it being constantly talked about, the Western Sahara?

JAMES A. BAKER III: Sure, it's very important for Morocco to find a resolution of this issue so that international legitimacy can attach to its claim. So its claim to Western Sahara would be recognized by other governments. And that's why it's very much in Morocco's interest at the very least to offer some meaningful proposals on autonomy for or self-government for these people. And yet they'll get right up to the bar, they'll talk about wanting to grant autonomy, but they're never willing to put an autonomy plan on the table.

MISHAL HUSAIN: Why is this territory so important to Morocco?

JAMES A. BAKER III: It's a big political issue within Morocco. It's a very emotional issue. Morocco has claims going way back many, many years to this territory. Claims that are based on things that happened in the past. On the other hand, the international court of justice has considered the matter and said that there's no basis on which to rule and that Morocco is entitled to sovereignty over the territory. And so that's the fundamental problem here. You have two different people claiming the same land.

MISHAL HUSAIN: Do you blame the Moroccans? Do you think that they kept moving the goal post in this dispute?

JAMES A. BAKER III: Well I haven't said they kept moving the goal post but they did agree with Javier Perez de Cuellar, the former Secretary General of the United Nations, that they would implement the settlement plan that he put on the table. And for 10 or 11 years, even two or three years during my tenure we took steps to implement that plan. And when we got right up to having identified the people who were entitled to vote, the Moroccans then walked away from the plan. Why did they do that? You'll have to ask them but I would assume it was because they were worried that they wouldn't win the vote.

MISHAL HUSAIN: That must be very frustrating for you?

JAMES A. BAKER III: Well I kept telling the king, particularly King Hassen, I said, Your Majesty, if you don't want the settlement plan don't say you want it because I think we're going to be able to deliver it. And they kept professing to want it, not just the king but all of his courtiers as well.

MISHAL HUSAIN: Amid all of this the reality on the ground is that there's this massive dividing wall, this territorial wall that Moroccans built on the Western Sahara. It's longer than the Great Wall of China. Amid that reality on the ground how much harder does it make the chances of settling it on paper?

JAMES A. BAKER III: Well they built the sand wall way back in '86, '87 sometime. I remember being the representative of the United States of America on the throne day, the celebration of the day that his majesty King Hassen took the throne. And as I was meeting with him prior to returning to the United States he asked me if I could help him with some intelligence involving the wall. And I came back to Washington and put the request in and we got some overhead intelligence to help Morocco with respect to the wall. Now that was back in the days of the Cold War when the POLISARIO Front was aligned with Cuba and Libya and some other

enemies of the United States, and Morocco was very close to the United States.

MISHAL HUSAIN: But it's not helpful to the dispute resolution -- the fact that it exists?

JAMES A. BAKER III: Well the wall is helpful in terms of keeping conflict down because it makes it more difficult. If the POLISARIO were inclined to begin to fight again, for instance, it would be much more difficult with that wall there. But the wall does rule off a certain amount of Western Sahara, which is not under Moroccan control, the so-called -- what the Sahrawi refer to as the liberated part of Western Sahara.

MISHAL HUSAIN: And it clearly becomes a hated symbol for the Sahrawi.

JAMES A. BAKER III: It sure does. Sure.

MISHAL HUSAIN: Let's talk about the Sahrawi for a minute and their own need for legitimacy. They've been living in these refugee camps for almost 30 years. How long is that going to happen? Is that just the reality of their life?

JAMES A. BAKER III: Well I don't know, it depends on whether or not the geopolitical situation changes in a way that would present some opportunity to resolve this problem. The Algerians and others presented me with a white paper -- a non-paper really -- suggesting a division of the territory, something that the Moroccans had agreed to back in 1976 with Mauritania. There was a division of the territory between Mauritania and Morocco. Morocco today says that all of the Sahara is ours, we will never agree to any division or any partition. They wouldn't even discuss the proposal. And maybe somewhere down the line years from now if the situation changes or the geopolitics change, it may be that that would be a solution that ought to be looked at again.

MISHAL HUSAIN: But it would mean an end to the dream of the Sahrawi for their homeland?

JAMES A. BAKER III: Not necessarily it would give them a homeland if it were a division of a portion of what is now Western Sahara because both parties have a claim to this land. The Sahrawi have a claim to it having been the indigenous people who were there when the Spanish pulled out but years before that of course Morocco claimed the territory or at least a large part of it. So they're conflicting claims. The international court of justice was not willing to come down on one side or the other with respect to those.

MISHAL HUSAIN: Secretary Baker, our thanks to you for being on WIDE ANGLE.

JAMES A. BAKER III: You're sure welcome.

ANNEX G TO
CONFLICT IN WESTERN
SAHARA

PREPARED STATEMENT OF SUZANNE SCHOLTE¹, PRESIDENT, DEFENSE
FORUM FOUNDATION AND CHAIRMAN, U.S.-WESTERN SAHARA
FOUNDATION

Thank you Chairman Congressman Chris Smith and Members of the Subcommittee on Africa, Global Human Rights and International Operations for this important and timely hearing on the ongoing conflict over the Western Sahara². This is an especially critical time because of the increased violence against the Sahrawi people in occupied Western Sahara which has resulted in death, torture and imprisonment. It is my fervent hope that this hearing will spur the United States to pressure Morocco to end its brutal occupation and withdraw from the Western Sahara. Inaction on this issue has resulted in escalating violence and has thwarted efforts by the Sahrawi Republic to return to their homeland and establish a pro-West Muslim democracy in North Africa. Worse yet, inaction on this issue calls into question whether the Sahrawis should have laid down their weapons and trusted the United Nations to fulfill their promise of a referendum.

It should not be lost to this Committee, that a Muslim people are being violently crushed for peacefully demonstrating for the very ideals on which this country was founded and the very ideals for which we are expending great blood and treasure to instill in the populations of Afghanistan and Iraq. If the United States had used its great influence with Morocco to press for the long-promised referendum, this issue would have been resolved in 1991. This referendum was actually first promised in 1966 when the United Nations adopted a resolution calling on Spain to organize a referendum. Yet, today, the year 2005, a referendum has yet to be held. Instead the Sahrawi people, who have placed their trust in the United Nations and the goodwill of the international community, have seen their country invaded by Morocco, their civilians brutally killed, their families separated for thirty years, and the UN continue to fail year after year in following through on its promises.

Why has there been no referendum? Because Morocco has reneged on every agreement beginning with the UN-OAU Settlement Plan, the Houston Accords, and the most recent compromise, the Peace Plan, set forth by Former Secretary of State James Baker in 2002. We are currently at a stalemate: Morocco will not allow a referendum to occur and the Sahrawi people will never give up their dream of returning to their homeland as a free people. **The fact that the Sahrawi people would rather live as free people in one of the most inhospitable places on earth rather than under Moroccan rule is a testament to the human spirit and the ideal of freedom.** It is also a testament to the cruelty of Morocco. Because while most Sahrawi have waited in the Algerian desert for their promised referendum, a large number live under virtual house arrest in Occupied Western Sahara. Today, they are jailed, beaten, tortured and killed for peacefully demonstrating for the right to self-determination.

Morocco's brutal occupation of Western Sahara has repeatedly led to Moroccan-Occupied Western Sahara to be listed as one of the world's worst regimes by **Freedom House**, the non-governmental organization which measures political rights and civil liberties worldwide. Because

of the many years of broken promises by the UN on the promised referendum, it is time now to look for other solutions. The only solution that is consistent with international law and consistent with the ideals to which our country represents is to call for the transfer of Western Sahara back to the Sahrawi people. Currently, our friendship with Morocco has made us look the other way as the Moroccan government brutally beats, jails, and tortures the Sahrawis in occupied Western Sahara while preventing the refugees in Algeria from returning to their homeland through the construction of a heavily fortified wall patrolled by Moroccan troops in a desert it has littered with U.S. manufactured land-mines.

But if we continue to look the other way, we will never convince young Muslims that what we truly want for them is democracy with freedom, human rights, and economic prosperity. As **Condoleezza Rice** boldly stated on her trip to the Middle East this summer, "**The fear of free choices can no longer justify the denial of liberty. It is time to abandon the excuses that are made to avoid the hard work of democracy.**" Just last month, Hamdi Lembarki, a young Sahrawi was beaten to death for fifteen minutes by Moroccan police for participating in a peaceful protest. What sets this death apart from the violence occurring around the world is what this young Muslim was protesting FOR. He was not protesting against Israel, he was not protesting against American troops, he was not protesting against Western culture. He was, in fact, protesting FOR the right to vote. There is great significance in the struggle by the Sahrawis, because what they represent is the key to winning the war on terror. Hamdi's people embody everything that is hoped for in a world where Muslim, Christians, and Jews can live in peace. We will never win the war on terror unless we prove to the Hamdi's of this world that we truly believe what we state. Currently, over one hundred Sahrawis are in prison, including Mrs. Aminatu Haidar, who was beaten severely and arrested after a peaceful demonstration in May, and Ali Salem Tamek, who was arrested when he arrived by plane in July. All of them were advocates for democracy and the right to self-determination and were peacefully advocating for these ideals.

The Sahrawi people long ago established the Sahrawi Republic founded on democratic principles, equal rights for women and freedom of religion. In fact, the President of the Sahrawi Republic, President Mohamed Abdelaziz, has not only openly welcomed Christians into their refugee camps, but has asked Christians to establish churches in their homeland once the refugees return. Furthermore, they have long sought greater ties to the Jewish community. **Because they believe in a personal relationship with God, they do not believe the state should intervene in this relationship and hence, they have long been banned from Mecca by the Whabbists Muslims.** And this also explains Morocco's desire to erase them politically. An illustration of the respect the Sahrawi Republic has gained in the international community is its **recognition by over seventy-five nations** and its membership in the African Union. It is also interesting to note that one of the first actions by the government of East Timor when it finally gained its independence was to recognize the Sahrawi Republic. Here was a predominately Catholic country that had been invaded by predominately Muslim Indonesia, recognizing the predominately Muslim Sahrawi Republic. The East Timorese could relate to the Sahrawis—they too had been invaded by a neighbor right at the point at which they were being decolonized. As part of the war on terror, the United States and the Coalition forces have contributed great blood and treasure to try to establish in Afghanistan and Iraq stable democracies. Had we stood for these values in the past and pressured Morocco to end its occupation of Western Sahara, there would already be a peaceful, democratic, pro-West Muslim country in North Africa that would have opened the way for greater economic prosperity for all of the Maghreb.

It is not too late. I urge this Subcommittee: Do not let Hamdi Lembarki's death be in vain. It is time for the United States to stand up for the Sahrawi people and demand Morocco end its brutal occupation and free the Western Sahara. It is the only viable solution that remains absent a free, fair, and impartial referendum. The withdrawal of Morocco from Western Sahara will bring about the following: the ability of the Sahrawi Republic to flourish as a peaceful, democratic state of Muslim progressives who renounce all forms of terror; the reunification of families separated for 30 years and the immediate reduction of the refugee population; the fulfillment of a great goal of the African Union: stability in the Maghreb and the chance to develop the region economically for the benefit of the people; billions of dollars currently spent on Morocco's occupation force in Western Sahara could be instead utilized to help the Moroccan people, rather than subjugate the Sahrawi people; and millions of dollars currently spent on Morocco for lobbyists around the world to try to convince people there is no such thing as a Sahrawi, could be spent building ties between Morocco and other countries for mutual benefit and goodwill.

It is interesting to note that despite the long history of cruelty by the Moroccan government against the Sahrawi people, the Sahrawi people have continued to promise to live in peace and literally "**turn the other cheek**" and work with Morocco as a peaceful neighbor. Failing to get Morocco out of Western Sahara will mean this continued stalemate and the subjugation of the Sahrawi people in the occupied territory while hundreds of thousands of refugees will continue to live in camps simply because they desire freedom and the right to self-determination. Failing to get Morocco out of Western Sahara will mean that invasion and aggression and war are the means to achieve one's end. It will prove to Morocco and other would be aggressors that invasion and aggression are the answer. It will prove to the Sahrawis that laying down their weapons and agreeing to the cease fire was a terrible mistake. They will have felt better off fighting a war for their liberty rather than trusting democratic nations to uphold their own values. I urge this Subcommittee to work to free Western Sahara and show the world that the United States is just as serious about the hard work of democracy in the Maghreb as it is in the rest of the world.

HUMAN RIGHTS CONCERNS IN WESTERN SAHARA

Clampdown on Human Rights Defenders

Amnesty International is concerned that human rights defenders in Western Sahara have repeatedly been targeted for their human rights work in recent years. Some have been prevented from traveling abroad to report on human rights violations, while others have been arbitrarily imprisoned. In many cases, their activities were deemed to be illegal, in violation of their right to peaceful exercise of freedom of opinion and expression, as well as to disseminate information and views on human rights issues to outside bodies such as international human rights organizations. Amnesty International has highlighted in particular the arrest and ongoing detention of eight human rights defenders in Laayoune Civil Prison, Western Sahara: *Mohamed El-Moutaouakil, Houssein Lidri, Brahim Noumria, Larbi Messaoud, Ali-Salem Tamek, Aminatou Haidar, H'mad Hammad and Brahim Dahane*. Two of them, Houssein Lidri and Brahim Noumria, have reportedly been tortured. All eight are long-standing human rights defenders who have been instrumental in collecting and disseminating information about human rights violations, including the monitoring of a recent wave of pro-independence demonstrations in the territory of Western Sahara, which Morocco controversially annexed in 1975.

Ali-Salem Tamek, for example, was arrested on July 18, 2005 upon arrival at Laayoune airport after an extended stay in Europe, where he had spoken publicly of recent events in Western Sahara and advocated independence for the territory. He was abroad during the first wave of

demonstrations, which began in Laayoune on May 21, 2005 and continued until early June 2005. He was charged on July 22, 2005 by the crown prosecutor in Laayoune with promoting an armed gathering and remanded in custody pending the results of a judicial investigation.

In another example, *Brahim Dahane* was arrested in a street near his home in Laayoune on October 30, 2005 and taken to a police station in the same city to be detained and questioned. On November 1, 2005 he appeared before the judicial authorities and charged with constituting a criminal gang, belonging to an unauthorized association, among other charges. The charge relating to unauthorized association is believed to refer to the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State, of which he is the President. Previously, on the evening of June 18, 2005, police had allegedly threatened him with legal action if he persisted with his campaigning work. They allegedly also confiscated documents at his home relating to the above Sahrawi Association as well as photographs of Sahrawi prisoners and "disappeared" people.

Like *Ali-Salem Tamek and Brahim Dahane*, all eight of these human rights defenders in prison are presently under investigation for allegedly participating in or promoting an armed gathering, among other charges. Amnesty International believes, however, that they have been targeted because of their human rights work during recent events and their openly held views in favor of independence for Western Sahara.

Unresolved Sahrawi "disappearance" Cases

Another human rights concern is the unresolved disappearance of hundreds of Sahrawis. One of the main tasks of the Equity and Reconciliation Commission is to complete payment of compensation to victims of "disappearances" and arbitrary detention that occurred between the 1950s and 1990s, including the Sahrawis. The Commission is also charged with providing other forms of reparation to enable victims to be rehabilitated and reintegrated into society, and with proposing measures to prevent recurrence of such human rights violations. To this end, it has consulted with victims and associations representing them on a range of ideas. Another main task of the Commission is to establish the fate of hundreds of people who "disappeared" in previous decades and, in the case of those who died in detention, to locate their remains. The Commission has collected testimonies from relatives of the "disappeared" and began preparing a report, due to be completed by the end of 2005, that would set out the reasons and institutional responsibilities for grave violations up to 1999. Amnesty International has been providing extensive information from its archives to help the Commission in its work, as well as several hundred people who "disappeared" after arrest between the mid-1960s and early 1990s remain unaccounted for. The statutes of the Commission, however, categorically exclude the identification of individual perpetrators and reject criminal prosecutions, prompting the UN Human Rights Committee in November 2004 to express concern that no steps were planned to bring to justice those responsible for "disappearances". To date not one person responsible for ordering or carrying out "disappearances" has been prosecuted. Former "disappeared" and families of the "disappeared" have told Amnesty International that many of those responsible for the violations are still alive and, in some cases, still working within the security forces.

Impunity for Abuses Committed by Polisario Front and by the Government of Morocco

Amnesty International remains concerned about human rights violations reported in the Sahrawi refugee camps administered by the Polisario Front in Tindouf, Algeria. Amnesty International has also noted with concern reports that in Morocco, there are allegedly persons generally of

Moroccan nationality, who are believed to have been responsible for serious human rights abuses in the Polisario camps. The Convention against Torture requires the Moroccan authorities to establish universal jurisdiction and investigate and prosecute all cases of torture when the alleged perpetrator is found in an area under its jurisdiction. Amnesty International has further raised with the Moroccan government of its obligation to bring these persons to justice or to extradite them to another jurisdiction where they can be brought to justice in conformity with Article 8 of the Convention against Torture. However, to date such persons have not been brought to justice.

In addition, several people who were in a position of authority in the Polisario camps when serious human rights abuses—including torture—were widespread, particularly during the late 1970s and throughout the 1980s, now occupy positions of authority in the Moroccan civil administration. Similarly, the Polisario authorities have failed to hand over perpetrators still resident in the camps to the Algerian authorities to be brought to justice.

Recent Human Rights Developments by the Government of Morocco

In its January 2005 visit to Morocco, Amnesty International found that the government of Morocco is taking some important and bold steps toward the protection of human rights in the Arab world. Amnesty International views the developments below as positive and is following their progress with interest. During this visit, Amnesty International met with Morocco's Equity and Reconciliation Commission, which is investigating grave human rights violations committed between 1956 and 1999, including in Western Sahara, and is organizing public hearings broadcast on national television. Amnesty International supports the Commission's efforts to investigate past abuses, identify the state institutions responsible, and provide reparations. The hearings, which started in December 2005, provide an opportunity for the general public to hear and acknowledge the stories of survivors and relatives of victims. These are essential components of any process which aims at establishing the truth about past human rights violations. On February 3, 2005, a new Family Code was promulgated that significantly improves the legal framework for women's rights. Amnesty International notes that Morocco has ratified the Treaty for the Rights of Women, officially the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and that the legal reforms are consistent with the treaty's provisions. Husbands and wives were accorded equal and joint responsibility for running the family home and bringing up children, and the wife's duty of obedience to her husband was rescinded. The minimum age of marriage for women was raised from 15 to 18, the same as for men, and the requirement of a male marital tutor (wali) for women to marry was eliminated. Severe restrictions were imposed on male polygamy. The right to divorce by mutual consent was established and unilateral divorce by the husband was placed under strict judicial control.

Recommendations

In many areas there has been marked progress in the situation in Morocco/Western Sahara, although the record remains mixed and outstanding concerns remain. In notable ways, Morocco has provided a model for emulation in both the Arab and the Muslim world for its efforts to account for past human rights and institute new protections for human rights, especially with regard to the Equity and Reconciliation Commission and its new law that provides greater protection for women. However, the success of the Moroccan government to deal with human rights violations in general and provide a good model for other countries depends in part on its

actions in Western Sahara. In order to improve the human rights situation in Western Sahara, Amnesty International encourages the U.S. government to take the following steps:

1. Monitor the arrest of individuals associated with the Western Sahara question;
2. Promote change in legal procedures to ensure detainees enjoy such rights as being charged within an appropriate timeframe, right to legal counsel, and visitation rights;
3. Encourage the Moroccan government to comply fully with its new policy against torture;
4. Seek independent inspection of prisons in Morocco to ensure full compliance with international humanitarian standards; and
5. Observe the court proceedings of those arrested and charged with political crimes to ensure that the charges are accurately stated and that the legal procedures are in line with international standards.

Within the broader context of the Morocco/Western Sahara:

6. Urge the Moroccan government to ensure that all individuals and non-governmental organizations are free to participate openly in the national dialogue;
7. Press the Equity and Reconciliation Commission to issue its findings promptly with regard to past abuses;
8. Create a second commission to examine the violations of human rights occurring from 1999 to the present;
9. Break down the wall of impunity by insuring that anyone involved in torture of individuals, either directly or indirectly, is held accountable.

El-Ayoune - Western Sahara

On Thursday, March 27, 2008, a sit-in in favour of self-determination was organized by a group of young Sahrawis in the Almatar district in El-Ayoune. The sit-in was brutally repressed. Since then, the Moroccan police launched a wave of arrests against demonstrators. To this end a number of Sahrawi youth had been arrested and tortured in the Wilaya of National Security of El-Ayoune. Among these youths, Mr. Bullahi Mohamed Bachri, born on October 8, 1990, who was arrested on Thursday, March 27, 2008, around 20:00 GMT, and who was brutally tortured in the Wilaya of the security of El-Ayoune for four hours before being freed to 30 minutes after midnight. Mr. Bullahi presented his testimony as follows:

Name: Mohamed Bachiri Bullahi

Birth date: Oct. 10, 1990

School Level: 3rd preparatory year.

We participated, I and several other young Sahrawi, in a sit-in organized on Thursday, March 27, 2008, at the district Almatar. During the sit-in we shouted slogans calling for the right of the Sahrawi people to self-determination and Sahrawi flags were erected. The sit-in lasted a few

minutes before the police intervention. The crowd dispersed and we were hiding in a house. Several civilians were arrested during the brutal police intervention. When I and two other friends have left the house where we hide, plainclothes police officers arrested us and took us first to the police station at the district Almatar then to the Wilaya of the security of El-Ayoune, in a police car 'Renault', under beatings and insults. When we arrived at the Wilaya, the police blindfolded me and started to knock my head against the wall until my nose bleeds. After then they took me on the floor and began hitting me on my buttocks. Then they handcuffed my hands behind my back and tied my feet and put a stick between my legs, and suspended me between two desks. They then started to hit me on my feet and ask me if I participated in the sit-in but I denied. So they changed my position by tying my hands in front and my feet and spent the same stick in my arms and knees and suspended me between the two desks. Then they put a rag on my face and poured water mixed with urine on my face. They told me: "when you want to tell us something move your finger so that we quit torturing you." They also questioned me about who gives us money and helps us, but I told them that I had nothing to do with all this. We remained in this position until midnight and then they released us.

My friends who were arrested with me are:

Najib AGHELASSE, born in 1988

Fadali Ouled ELBANNANI, born in 1990, a baccalaureate student

¹ . After starting her career as the youngest-ever adviser to a U.S. legislator, Ms. Scholte, the mother of three children, has served as president and chairwoman of human rights organizations such as the Defense Forum Foundation and the North Korea Freedom Coalition and has shown special interests in the human rights situations in North Korea. Suzanne Scholte and the Defense Forum Foundation has for a number of years worked for the Sahrawi people. Ms Scholte is also the chairman of the US-Western Sahara Association, and has visited the Sahrawi refugee camps a number of times. Seoul – September 3: Ms. Suzanne Scholte was named the recipient of the 2008 Seoul Peace Prize.

² . *GETTING TO "YES": RESOLVING THE 30-YEAR, CONFLICT OVER THE STATUS OF, WESTERN SAHARA*, HEARING, before the subcommittee on Africa, global human rights and international operations of the committee on international relations house of representatives, one hundred ninth congress, first session, November 17, 2005, serial no. 109–104

AMINATOU HAIDAR'S ADDRESS

14/11/2008

Special Robert F. Kennedy Human Rights Award

Saharawi human rights activist addressed the audience participating to the reception organised on her honour last Thursday in Washington where she received the Robert Kennedy Award for Human Rights.



Here is the complete text of the address:

Remarks by Aminatou Haidar

25th Annual Robert F. Kennedy Human Rights Award, November 13th, 2008

Russell Senate Office Building, Washington, DC

As Prepared for Delivery

Distinguished guests, Ladies and Gentlemen, Dear friends, allow me to thank the Robert F. Kennedy Center for Justice and Human Rights for uniting us during this event to commemorate together the virtues of a brave man who devoted his life to the fight for freedom and the promotion of human rights. We pay a great tribute to the spirit of Robert Francis Kennedy.

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance." Those were the words of Robert Francis Kennedy, and as the 2008 human rights award is bestowed upon me on his behalf, I find myself inspired by the same ideals he defended with such conviction and selflessness. I have to tell you that as Robert Francis Kennedy, I believe that "all can freely speak and act to share in the decisions which shape their lives." Moreover, I share his belief that the fight against injustice is the highest form of courage.

My people, the Sahrawi people, have greatly suffered from the consequences of an unfair war waged since 1975 by the Moroccan state against their will. Today more than half of my people live in Diaspora, sometimes in very difficult conditions, far from their country and their families, while the other half continues its heroic pacific resistance against the Moroccan occupation. More than 500 Sahrawis have been declared missing since the Moroccan invasion of Western

Sahara and the Moroccan state still refuses to give information regarding their status although it conducts propaganda campaigns under the guise of a so-called truth commission, an organization that is supposedly for equity and reconciliation and that runs around the world without giving any real answers on the grave violations of human rights perpetrated against the Sahrawi population.

Since May 21, 2005 a non-violent uprising of the Sahrawi population started, proclaiming its right to self-determination. Since then, wherever there is a strong concentration of Sahrawi, demonstrators have gathered in public squares or on university campuses chanting slogans proclaiming their right to self-determination and waving Sahrawi flags. This is always dangerous for the demonstrators who risk being hit by police batons or even torture, which sometimes leads to death as was the case of three young Sahrawis: HAMDY LEMBARKI, BACHAIKH LAKHLIFI and SIDHA ULD LAHBIB or leads imprisonment for up to fifteen years as is the case of the Sahrawi human rights defender YAHIA MOHAMED LHAFED or can even lead to becoming disabled for life as was the case for the Sahrawi students SULTANA KHAYA who lost her right eye and LWALI QADMI who became paraplegic after being subjected to the brutality of the Moroccan security forces. Not to mention the daily ransacking of homes and the constant intimidation and harassment campaigns against the Sahrawi human rights defenders including arrest on the grounds of human rights activism, the loss of jobs, the prohibition of free movement and more importantly the systematic prohibition to form human rights organizations such as the COLLECTIF DES DEFENSEURS SAHRAWIS DES DROITS DE L'HOMME "CODESA" of which I am President and which is still banned by the Moroccan administrative authorities and the ASSOCIATION SAHRAWIE DES VICTIMES DES VIOLATIONS DES DROITS DE L'HOMME "ASVDH" which is also facing the same fate.

Ladies and Gentlemen, as a Sahrawi woman victim of the Moroccan repression, subjected to forced disappearance and arbitrary detention, and also as a human rights defender, I reaffirm today that the current situation of human rights in the occupied territories of Western Sahara is tragic and continues to deteriorate on a daily basis. I bear witness to the distress of the Sahrawi population, and call for the protection of their basic rights. It is urgent, it is imperative to renew efforts and intensify the work required to put an end to our suffering.

It is widely known that the Western Sahara conflict primarily affects the prosperity of both the Sahrawi and the Moroccan people. It also affects the rest of the Maghreb and the hopes of its people. The time has come to put an end to the unbearable sufferings that this situation is creating for the population. Shouldn't the Sahrawi people, in all fairness, benefit from an international protection against the cruel repression that they are being subjected to? How long will the international community maintain its regrettable non-interference approach while a whole people sees its right to self-determination be trampled underfoot by foreign occupation? The time has come to uphold real commitments in order to accelerate the process toward self-determination.

The Office of the United Nations High Commissioner for Human Rights visited Western Sahara May 15-19 2006 and confirmed in its report that all human rights violations committed by the Moroccan authorities in Western Sahara stem from the denial of a basic right according to the UN, namely the right to self-determination of the Sahrawi people, an inalienable and perpetual right.

A fourth round of negotiations between Sahrawi and Moroccan leaders recently took place in Manhasset under the auspices of the United Nations and a fifth round is expected. However, the prevailing feeling among the Sahrawi people, even the most optimistic, is that these discussions seem to remain unsuccessful which unfortunately gives rise to disappointment and a lack of hope in the Sahrawi people.

Less than two years from the deadline for the completion of the plan of action of the Second International Decade for the Eradication of Colonialism, which was set in 2010, the Sahrawi people are still expecting to receive the support of the international community and to see the United Nations play an active role in seeking a just and equitable solution to this tragic conflict.

Allow me as I stand here, on behalf of all Sahrawi human rights defenders, to urgently call upon the international community and particularly the United States to do all they can for the protection of the Sahrawi citizens under Moroccan occupation. I would also like to take this opportunity to remind you that about forty Sahrawi political prisoners (among them human rights defenders) are still behind bars in Moroccan jails and in the infamous El Aaiun prison. They are living in deplorable conditions, mistreated and deprived of their basic rights; their only crime is to have defended the right to self-determination of their people.

These prisoners need our support and solidarity so that they can find their freedom. Let us therefore together demand their immediate release and demand information on the fate of the Sahrawi missing since 1976.

In conclusion, I find myself once again reminded of the hopes of ROBERT FRANCIS KENNEDY who believed that the influence enjoyed by the United States in the world should be used in support of peace and justice. He said and I quote: "...The great challenge to all Americans...is to maintain loyalty to truth; ...to maintain loyalty to freedom as a basic human value, and ... to keep in our hearts and minds the tolerance and mutual trust."

Finally, I would like to dedicate this prestigious award to the Sahrawi political prisoners, the victims of the Moroccan repression and to the Sahrawi human rights defenders who are performing a noble task and enduring innumerable sacrifices in defending the rights of others.

Long live peace – Long live solidarity – Long live friendship.

And thank you.

Aminatou Haidar, human rights laureate of the 2008 ROBERT F. KENNEDY Human Rights Award

ANNEX I TO
CONFLICT IN WESTERN
SAHARA

Remarks by Kerry Kennedy¹
25th Annual Robert F. Kennedy Human Rights Award, November 13th, 2008
Russell Senate Office Building, Washington, DC
As Prepared for Delivery

On the eve of my father, Robert Kennedy's 83rd birthday it is a fitting tribute to his life and legacy that we honor Aminatou Haidar, the "Sahrawi Gandhi," with the Robert F. Kennedy Human Rights Award. Aminatou is a courageous leader in her peoples' almost half-century long battle to realize their inalienable right to self-determination.



In 1975, the Government of Morocco invaded Western Sahara on the eve of its anticipated referendum on independence from Spain. The invasion was in defiance of a clear ruling by the International Court of Justice holding that the arguments presented by Morocco "do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco." Indeed, the Court aligned itself with United Nations resolutions regarding decolonization of the Western Sahara, and emphasized in its opinion "the principle of self-determination through the free and genuine expression of the will of the [Sahrawi] people...."

In response to the invasion, the Polisario launched an armed struggle against the occupying Moroccan forces. The Polisario established the Sahrawi Arab Democratic Republic in February 1976, which has subsequently been recognized by numerous countries and is a full member state of the African Union. Most of the indigenous Sahrawi people fled the Moroccan troops and went into near permanent displacement, primarily in Polisario-run refugee camps in Algeria. Morocco's military forces eventually assumed control of most of the territory, including all major towns.

Since the first calls for decolonization in the 1960s, widespread international support for the Sahrawi's right to self-determination has consolidated. As the U.N. Secretary General recently stated, "no member state of the U.N. recognizes Morocco's sovereignty over Western Sahara." To the contrary, in Resolution 2625 the U.N. General Assembly has stipulated that "no territorial acquisition resulting from the threat or actual use of force shall be recognized as legal," and the United Nations has passed dozens of resolutions affirming and reaffirming the right of the Sahrawi to determine their own future.

In 1991, based on Morocco's promise to hold an internationally supervised referendum on the future of the territory, the Polisario and Morocco agreed to a ceasefire. But the Government of Morocco refused to allow the referendum to move forward. Instead, it engaged in a relentless campaign of violence as a military strategy to maintain territorial control and suppress civil and political rights. Moroccan troops and government authorities have silenced dissent, suspended

rights to free expression and assembly, and harassed, threatened, jailed, tortured, and "disappeared" countless Sahrawi. , Mock trials on trumped-up charges are standard fare, followed by unspeakable cruelty.

For years, the suffering of the Saharawi was virtually muted by the Moroccan authorities. But that silence has been broken by one woman. One woman on a mission to give voice to a repressed and impoverished people in a remote portion of the Sahara desert. Aminatou Haidar's unyielding quest to raise the profile of her beloved homeland has brought the plight of the people of Western Sahara to the corridors of power throughout the world.

Aminatou was born in 1967, and grew up amidst the human rights atrocities committed by Morocco's occupying forces. In 1987, at the age of 21, she joined a peaceful demonstration organized during a visit from a U.N. mission.

In response, Moroccan police arrested her along with more than 400 peaceful demonstrators, of whom 70 would lengthen the list of the disappeared. Seventeen of the women, including Aminatou were targeted for unimaginable torture.

Abducted by Moroccan police in plain clothes, she was gagged, starved, sleep deprived, subjected to electric shock, severely beaten - and worse. Her meager rations were infested with insects, and lice covered her body. Throughout her captivity, Aminatou's tormenters refused her access to her family, her lawyer, or any contact with the outside world.

To this day, her detention haunts her. She regularly passes her torturers on the street. Threats from police and others are a frequent occurrence. But Aminatou will not be stopped.

Aminatou began organizing against the occupation and led efforts for the release of prisoners of conscience. She spoke eloquently regarding the rights of women and children, and the importance of non-violent protest.

In June 2005, Aminatou was arrested once again, tortured, and incarcerated in the "Black Prison" of El-Aaiun. A kangaroo court sentenced her to 7 months in jail for her outspoken support of human rights in Western Sahara. Despite the torment, Aminatou refused to be cowed. On the very day of her release she defiantly issued this public statement.

"The joy is incomplete without the release of all Saharawi political prisoners and without the liberation of all the territories of the homeland still under the occupation of the oppressor."

Although human rights organizations cannot legally register in occupied Western Sahara, Aminatou serves as the President of the Sahrawi Collective of Human Rights Defenders (CODESA). CODESA is at the cutting edge of social change, advocating for basic rights and defending the oppressed.

Bravery is most commonly associated with a single act of daring at a precise moment in time; often in war. But battlefield bravery pales in comparison with the quality of courage exemplified by Aminatou, who, despite bloodshed, torture, starvation, disease, and the savagery of an occupying army which brought death to many of her people, and the rape of her beloved land,

has made it her mission to speak the truth to those in power about the plight of her people. She will not be dismissed, and all of us here today will work to ensure that she will not be silenced.

Nobel Prize Laureate and holocaust survivor Elie Weisel says that the opposite of love is not hate; the opposite of love is indifference. For years, indifference has characterized the international community's posture toward the Western Sahara. But Aminatou's love for her people is so affecting and her words of so full of truth and promise, that she may yet turn the tide of history itself and renew our faith that good ultimately triumphs over evil.

The cruelties and obstacles of this swiftly changing planet will not yield to obsolete dogmas and outworn slogans. It demands the qualities of youth: not a time of life but a state of mind, a temper of the will, a quality of the imagination, a predominance of courage over timidity, of the appetite for adventure over the love of ease."It is an honor now to join another woman who, like Aminatou, personifies the predominance of courage over timidity.

¹ . Mary Kerry Kennedy (born September 8, 1959, Washington, D.C.), is the seventh of the eleven children of Robert F. Kennedy and Ethel Skakel Kennedy. Since 1981, Kennedy has worked as a human rights activist, leading delegations into countries such as El Salvador, Gaza, Haiti, Kenya, Northern Ireland, and South Korea. She was also involved in causes in China, Indonesia, Vietnam, India, Sudan, and Pakistan. She established the Robert F. Kennedy Center for Human Rights in 1988 and was the Executive Director of the Robert F. Kennedy Memorial until 1995. She is also the chair of the Amnesty International Leadership Council, and has been published in *The Boston Globe*, *The Chicago Sun-Times*, and *The New York Times*. She is a judge for the Reebok Human Rights Award.

ANNEX J TO
CONFLICT IN WESTERN
SAHARA

A LETTER TO KING MOHAMED VI OF MOROCCO FROM PRESIDENT
THABO MBEKI-PRESIDENT OF SOUTH AFRICA¹

President
Republic of South Africa

August 1, 2004

His Majesty King Mohamed VI
Rabat
Kingdom of Morocco.

Your Majesty,

I am honoured to convey the greetings of our Government and my own, as well as some of our views concerning the issue of Western Sahara.

As you are aware your Majesty, a number of years ago our then President, Nelson Mandela, announced a decision of our Government to recognise and establish diplomatic relations with the Saharawi Arab Democratic Republic (SADR) consistent with earlier decisions of the OAU which our country joined in 1994.

Your late father, his Majesty King Hassan II, appealed to President Mandela not to carry out this decision. The then Secretary General of the United Nations, Boutros Boutros Ghali, and other world leaders conveyed a similar request to President Mandela.

The same view was communicated to us when we took over the Presidency of our country. The argument advanced was that we should give negotiations being carried out under the auspices of the UN Security Council and the UN Secretary General a chance to succeed. It was said that our recognition of SADR would seriously undermine these ongoing negotiations.

We respected and valued the views expressed by the King and Government of Morocco, leaders of other countries with which we maintain friendly relations and the United Nations.

Accordingly, 10 years after we achieved our liberation we have still not recognised SADR, despite sustained pressure by the Polisario Front and some member States of the OAU, and now the AU, to respect the decision of the OUA and the AU to recognise SADR.

During this period, we have continuously sought to persuade the Polisario Front to do its best to contribute to successful conclusion of the UN led negotiations, consistent with the decisions of the UN, including the "Peace Plan for the self-determination of the People of Western Sahara".

Consistently, we have informed the leadership of the Front of our determination to pay heed to the advice and requests of leaders whose views we valued. We did not hide the fact that these had advised against the recognition of SADR.

We indicated to the Front our belief that our respect of this advice was the best contribution we could make to the successful implementation of the peace plan and other proposals that would lead to the holding of a referendum that would give the people of Western Sahara the possibility to exercise their right to self-determination.

We were therefore gravely disturbed to read the April 23, 2004 report on Western Sahara of the UN Secretary General, Mr. Kofi Annan, in which he said:

"In my view and that of my personal envoy, Morocco's final response to the peace plan would require the parties involved to agree to negotiate a solution for Western Sahara based on 'autonomy within the framework of Moroccan sovereignty'. The issue of the sovereignty is, of course, the fundamental issue which has divided the parties for all these years. Morocco does not accept the settlement plan to which it has agreed for many years. It should be recalled that while Morocco had accepted the draft framework agreement, it rejects any discussion of any proposal to divide the territory and it also now does not accept essential elements of the peace plan". (My emphasises)

Naturally, in this regard, we have also taken especial note of the 09 April 2004 Reply of the kingdom of Morocco to the proposal of the then Personal Envoy of the UN Secretary General, Mr James Baker, entitled "Peace Plan for the Self-Determination of Western Sahara", as communicated by your Minister for Foreign Affairs and cooperation, Mr Mohamed Benaissa.

As Your Majesty knows, this reply makes the categorical statements that:

"Consequently, and as far as the Kingdom is concerned, the final nature of the autonomy solution is not negotiable.

"On another hand, the autonomy solution, as agreed to by the parties and approved by the population, rules out, by definition, the possibility for the independence option to be submitted to the said population. It is, therefore, out of the question for Morocco to engage in negotiations with anyone over its sovereignty and territorial integrity".

Your Majesty, you will be aware of the fact that when UN SG Kofi Annan comments on your Government's reply, he says that, "while Morocco's final response to the peace plan expresses a willingness to continue to work to achieve a political solution to the conflict over Western Sahara, it also clearly states that an 'autonomy based political solution can only be final', which has adverse implications for self determination, as called for in resolution 1429 (2002)".

You will undoubtedly also be familiar with UN Security Council Resolution 1541 (2004), which was unanimously adopted by the Security Council, following its consideration of the April 23, 2004 report of the UN SG.

In this resolution, the Security Council reiterated its commitment to help "achieve a just, lasting and mutually acceptable political solution, which will provide for the self determination of the

people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations".

We are fully in agreement with the Security Council that the question of Western Sahara must be resolved on the basis of this commitment.

Since 1985, when the United Nations Secretary General, in cooperation with the organisation of African Unity (OAU), initiated a mission of good offices leading to the "the settlement proposals", which were approved by Security Council in 1990, Africa and the rest of the international community have sought a solution that would afford to the people of Western Sahara the possibility freely to choose between independence and integration with Morocco.

Accordingly, when we delayed recognition of SADR this was in the basis that both Morocco and the Polisario Front were working with the UN SG and the Security Council to agree on the modalities of a process that would allow the people western Sahara to exercise their right to self-determination, in a manner consistent with the principles and purposes of the Charter of the United Nations and the relevant documents of the OAU and AU.

However, the April 9, Reply of the Government of Morocco to the UN peace plan unequivocally seeks to deny the people of Western Sahara their right to self-determination, contrary both to fundamental and inviolable international law and the earlier solemn commitments made by the Government of Morocco.

With regard to the later consideration, I am convinced that the UN SG and his personal envoy are correct to conclude that Morocco does not accept the settlement plan to which it had agreed for many years, and that it also now does not accept essential elements of the peace plan.

The April 9, Reply of your Government argues that the parameters of such "self-determination" as may be exercised by the people of Western Sahara should be determined by the Government of Morocco. Your Government then proceeds to define these parameters as an autonomy solution that would rule of the possibility for the independence option to be submitted to the population of Western Sahara.

You must agree, Your Majesty, this constitutes undisguised attempt to deny the very right to self-determination the UN is bound by its Charter to defend and advance, whose exercise by the people of Western Sahara it has sought for almost two decades.

We have in the past expressed our profound and unequivocal appreciation of the important contribution that Morocco made to our own struggle for self-determination, within the specific contexts of the struggle against the apartheid system in our country. This created a strong base for the development of the world relations of friendship and solidarity both our countries have successfully sought to build since our liberation in 1994.

In this regard, we have regretted and continue to regret the fact that, owing to unresolved question of Western Sahara, Morocco is not able to play its due role in the renewal of our continent as a full and active member of the OAU and the AU.

At the same time, with regard to the similarly outstanding and critically important issue of Palestine, we have also worked on the basis that our countries are united in their resolve to do everything in their power to help ensure that the Palestinian people also exercise their right to self-determination, up to and including independence.

All these conclusions have emanated from the experience to which we were exposed during the most difficult periods in our own history, when the King Mohamed V and Hassan II, the Governments and people of Morocco adopted and stuck to the principled position that we and our people had to be supported to exercise our right to self-determination.

We took it as a matter of faith that even with regards to the issue of Western Sahara, regardless of the history of colonisation in this part of Africa, Morocco would remain true to its tradition of loyalty to the principle of self-determination for all peoples.

We thought we understood that the central objective Morocco was pursuing in the UN led negotiations was to ensure that the people of Western Sahara exercised their right to self-determination, without let or hindrance, while rejoicing in the conviction that they would decide freely to become part of Morocco.

Most regrettably, the April 9, Reply of the Government of Morocco to the personal envoy of the UN SG has convinced us that we were mistaken in this view. It now seems clear that Morocco has absolutely no intention to respect the right of the people of Western Sahara to determine their destiny.

Instead, it has decided unilaterally, with no reference to the people of Western Sahara or respect for the views of both the UN and the AU, that everybody is obliged to accept a solution "consisting of autonomy within the framework of Morocco sovereignty."

To emphasise this point, your Government has gone further to say "the final nature of the autonomy solution is not negotiable". It is therefore, out of the question for Morocco to engage in negotiations with anyone over its sovereignty and territorial integrity.

And yet, as with question of Palestine, the issue of Western Sahara ineluctably includes matters of territory and sovereignty over this territory. To insist that these should not be an inherent part of any solution is to argue that no just solution should be sought.

Recent developments arising from the decisions of your Government make it impossible for us to continue to hope that our recognition of SADR is a material factor in favour of what the Security Council described as a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara.

The avoidable cul-de-sac caused by the positions advanced by the Government of Morocco has created the situation that any further delay on our part to recognise SADR will inevitably translate into an abandonment of our support of the right of the people of Western Sahara to self-determination.

For us not to recognise SADR in this situation is to become an accessory to the denial of the people of Western Sahara of their right to self-determination. This would constitute a grave and

unacceptable betrayal of our own struggle, of the solidarity Morocco extended to us, and our commitment to respect the Charter of the United Nations and the constitutive act of the African Union.

It would also suggest that what I have just said is mere words, with no obligations on us to respect solemn international agreements.

Your Majesty may also be aware of the fact that the recent Assembly of the African Union agreed that our country should host the Pan African Parliament. The people of Western Sahara will be entitled to send their elected delegates to this parliament, as representatives of the people of SADR.

It would clearly be untenable that we should deny these delegates entry into our country on the basis that we do not recognise them as legitimate representatives originating from an African State that is recognised by the AU and participates in its works as a Member State.

In its resolution 1541 (2004), the Security Council decided "to extend the mandate of the United Nations' Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2004". It would be a matter of great joy to us if the breathing space this extension provides could be used finally to conclude the protracted negotiations concerning Western Sahara, in keeping with earlier international decisions that gave all of us hope that a just peace was possible.

In the light of the developments to which I have referred, we have begun discussions with the Polisario Front to agree on the modalities of the opening of the Embassy of the Saharawi Arab Democratic Republic in our country.

In all fairness I must also inform your Majesty that in addition to this, we will continue to support the UN and the AU efforts to enable the people of Western Sahara to exercise their right to self-determination, using all available and legitimate means at our disposal.

In the meantime, we will accord to the Polisario Front all such rights and privileges that are due to all Member States of the AU in the context of meeting our obligations to the AU and the peoples of Africa to provide a home for the Pan African Parliament.

Permit me, Your Majesty, to take advantage of this communication to convey our sincere thanks for your message of congratulations following the decision of the FIFA Executive Committee to accept our offer to host the 2010 Soccer World Cup, as well as our conviction that Morocco would have the same possibility in the future.

Please accept your Majesty the assurance of our highest considerations.

Thabo Mbeki
President of the Republic of South Africa

¹ . <http://www.arso.org/01-2.htm>

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SAMPLE QUESTIONNAIRES

Question Set – 1

Since how long you are ousted from W. Sahara and taken refuge at camps at Rabouni, Tindouf?

Do you any option other than living like this here?

Do you see any probablities of peaceful settlement of the conflict in near future?

Do you want to integrate with Morocco and support a semi-autonomous region model for W. Sahara as proposed by Kind Hasan VI lately?

If you dont support the Moroccan model of autonomy, then do you envisage an autonomous W. Sahara as SADR?

Do you think this choice of self determination should be decided by you through a referendum process?

Do you believe in the organisational capabilities of SADR to form a new state having no resources at present?

Question Set – 2

How do you view the UN helping to solve the crisis?

What do you think contributed to the failure of UN to hold the referendum?

Do you think some western super powers are aiding Morocco so that the status quo lingers?

What do you think about the UN and its mandates? Are they good enough to address the real crisis?

Do you think the UN should also be mandated to monitor human right violation in occupied territory?

Do you think if MINURSO winds up its mission from W. Sahara, it will make favourable situation for negotiating with both the parties?

If UN winds up from W. Sahara, which organisation should take over to carry on with the negotiation process?