

1. Introduction

The conflict in Western Sahara is one of Africa's most long-lasting territorial disputes, going on for more than three decades now. The territory is contested by Morocco and the Polisario Front, which in February 1976 formally proclaimed a government-in-exile of the Saharawi Arab Democratic Republic. The self-proclaimed republic has been a member of the African Union since 1984, and has been recognized by eighty-two nations. In the meantime, the issue has been on the UN agenda since 1966, yet the international community has failed to find a suitable solution between the two concerned parties. The reasons for this failure are the lack of interest from the international community and the West's power struggles in the strategic region of North Africa.

In 2007, the Kingdom of Morocco proposed an autonomy plan in which "the people of Western Sahara will have local control over their affairs through legislative, executive and judicial institutions under the aegis of Moroccan sovereignty."¹ But the plan was rejected by the Polisario Front, and the stand-off continues.

This paper presents a historical, political and legal account of the Western Sahara conflict and evaluates the geopolitical roles of the regional and outside powers in the conflict: Spain, Algeria, France, and the United States. The essay will conclude with a brief description of the current situation.

2. Historical Backgrounds

In essence, the issue of Western Sahara seems to be a simple case of self-determination: the right of a people to decide their

¹ http://www.map.ma/eng/sections/sahara/morocco_s_autonomy_p3614/view

political status over their own territory. However, upon more thorough examination, we see that the conflict is in fact far more complex and unique. It has many different dimensions: historical, political, economic, social and emotional. In order to understand the complexity of the conflict, it is important to shed some light on the historical backgrounds of this ongoing dispute.

Western Sahara is located in the northern part of Africa along the Atlantic coast. It is bordered by Algeria to the east, Morocco to the north, and Mauritania to the south. About one-fifth the size of South Africa, it is mostly low-lying, flat desert with some small mountains in the south and northeast. The ethnicity in Western Sahara is Arab, Berber and black African, most of whom are followers of Islam. They are known as the *Saharawi* people. Western Sahara has an estimated population of 573 000 inhabitants, with 100 000 refugees living in Tindouf, Algeria. The territory has profitable natural resources including phosphates, iron-ore, and sand, and extensive fishing along the Atlantic Coast.² The official languages are Arabic and Spanish.

Given its strategic location, Western Sahara has always been a disputed area over which several world powers have fought to gain control. Spain took control of the region in 1884 under the rule of Captain Emilio Bonelli Hernando. In 1900 a convention between France and Spain was signed, determining the southern border of Spain's Sahara. Two years later, Spain and France signed another convention that demarcated the borders of Western Sahara. At this time Spain faced unsuccessful military resistance from the leaders of the Saharawis.

² Conflict resolution in Western Sahara, p. 2

However, another structured Saharawi movement – the *Harakat Tahrir Saguia El Hamra wa Uad Ed-Dahab* – was formed by Mohammed Bassiri in 1969.³ In 1970 Bassiri's movement organized a large, peaceful demonstration at Zemla (El Aaiun), demanding the right to independence. It ended with a massacre of civilians and the arrest of hundreds of citizens.⁴

The failure of this movement led to the establishment of a more united and organized front that included all the Saharawi political and resistance groups. The movement was called *Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro* known by its Spanish acronym as POLISARIO. The Front was led by Al-Wali Mustafa in 1973, and its aim was to end the Spanish colonization of Western Sahara. In 1974 Spain proposed a local autonomy plan in which the native Saharawis would run their own political affairs, while sovereignty would remain under Spanish control. The plan was rejected and the military struggle continued.

Two years later, King Hassan II ordered a march that is ironically known as The Green March, featuring Moroccan flags, portraits of the king and copies of the Koran. It was a march of more than 350 000 people under the leadership of Hassan II and his army⁵. On November 14, 1975, the tripartite Madrid Agreement, signed by Spain, Morocco and Mauritania, divided Western Sahara between the two African countries whilst securing the economic interests of Spain in phosphates and fisheries.⁶ The agreement also stressed the end of Spanish *control* over the territory, but not

³ History of Western Sahara and Spanish colonization, p. 92

⁴ History of Western Sahara and Spanish colonisation, p. 92

⁵ <http://www.britannica.com/EBchecked/topic/245024/Green-March>

⁶ http://en.wikipedia.org/wiki/Madrid_Accords

sovereignty: Spain would remain the legal administrative power over Western Sahara.

After the Madrid agreement, Morocco invaded the territory from the north and Mauritania from the south. As a result, thousands of Saharawi refugees fled their land and settled in the southern Algerian desert near the city of Tindouf; they have been living there for more than three decades. In the meantime, the United Nations never accepted the Moroccan and Mauritanian occupation of Western Sahara, and continues to classify the territory as a non-self-governing territory that is an area yet to be decolonized.⁷

3. Western Sahara and International Law

The involvement of the United Nations in the Western Sahara issue began on December 16, 1965, when the General Assembly adopted its first resolution on what was then called Spanish Sahara. The resolution requested Spain to take all necessary measures to decolonize the territory by organizing a referendum that would allow the right to self-determination for the Saharawi people, where they could choose between integration with Spain or independence. The Spanish government promised to organize a referendum, but failed to keep its promise.

In the Universal Declaration of Human Rights, the United Nations states that everyone has the right to a national identity and that no one should be arbitrarily deprived of that right or denied the right to change nationality.⁸ Self-determination is viewed as the right of people who have a territory to decide their own political

⁷ <http://www.un.org/en/decolonization/nonselvgovterritories.shtml>

⁸ <http://www.un.org/en/documents/udhr/index.shtml>

status. For this reason, on December 13, 1974, the UN General Assembly passed a resolution (no. 3292) requesting the International Court of Justice to give an advisory opinion at an early date on the following questions: Was the Western Sahara (*Saguia El-Hamra y Rio de Oro*) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)? If the answer to the first question is negative, then what were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?"⁹

In response to the first question, the Court answered: "No". Western Sahara was not *terra nullius*. In fact, Western Sahara belonged to a people; it was "*inhabited by peoples who, if nomadic, were socially and politically organized in tribes and under chiefs competent to represent them*"¹⁰. In other words, the ICJ had determined that Western Sahara had belonged to the indigenous Western Saharans at the time of the Spanish colonization. On the second question, the Court found no evidence of any legal ties of territorial sovereignty between Western Sahara and Morocco. Therefore, the ICJ ruled that the native Saharawi population was the sovereign power in the Western Sahara, formally known as Spanish Sahara. However, Morocco and Mauritania ignored the court's ruling and invaded Western Sahara anyway, with the result that the Polisario Front waged a nationalist war against the new invaders. In 1979 Mauritania abandoned all claims to its portion of the territory and signed a peace treaty with the Polisario Front in Algiers.¹¹ Nevertheless, war continued between the Polisario forces and the Moroccan royal army until the UN sponsored a ceasefire between the antagonists in 1991.

⁹ ICJ, Western Sahara Advisory Opinion, 1975, 12-68

¹⁰ ICJ, Western Sahara Advisory Opinion, 1975, 12-68

¹¹ History of Western Sahara and Spanish colonization, p. 92

In the same year, the UN Security Council adopted its resolution 690 (April 29, 1991) which established the United Nations Mission for the Organization of a Referendum in the Western Sahara (known as MINURSO). It called for a referendum to offer a choice between independence and integration into Morocco.¹²

However, for the next decade Morocco and the Polisario differed over how to identify an electorate for the referendum, with each seeking to ensure a voters' roll that would support its desired outcome. The Polisario maintained that only the 74 000 people counted in the 1974 Spanish census of the region should vote in the referendum, while Morocco argued that thousands more who had not been counted in 1974, or who had fled to Morocco previously, should vote.

In 1997, at UN-supervised talks between Morocco and the Polisario movement, chaired by former US Secretary of State James Baker, the two parties agreed to resolve all the pending obstacles to the holding of a referendum. In January 2003, Baker suggested a compromise that "does not require the consent of both parties at each and every stage of implementation." It would lead to a referendum in four to five years, in which voters would choose integration with Morocco, autonomy, or independence.¹³ The Polisario agreed to the plan; Morocco refused to consider it; and in June 2004 Baker resigned after seven years as UN special envoy to Western Sahara.

In 2007, the UN Security Council passed resolution 1783, requesting that the two parties enter into good faith negotiations to

¹² <http://www.un.org/en/peacekeeping/missions/minurso/mandate.shtml>

¹³ Conflict resolution in Western Sahara, p.93

solve the conflict.¹⁴ These negotiations were to take place under the supervision of the personal envoy of the Secretary General to Western Sahara, the Dutch diplomat Peter van Walsum, who was replaced by the American diplomat Christopher Ross in August 2008.

Since 2007 the parties have engaged in a series of negotiations under the auspices of the UN, but there has been no breakthrough. Each side still holds its position as the only option for a lasting resolution. Despite the 21 years of neither war nor peace, the two conflicting parties still insist on resolving the problem within the framework of international law. The question that should be asked is why international law has failed to solve this issue? According to Peter van Walsum, there are two main reasons: Firstly, the weakness of international law itself. There is no mechanism to enforce its resolutions and even if there were, it cannot be applied in the case of Western Sahara because this conflict is included under the Security Council's Chapter VI (peaceful settlement of disputes), which implies that the Security Council cannot use force to advance a solution on the disagreeing parties. Secondly, France and America's continuous political support for Morocco in the Security Council has undermined a just and lasting solution,¹⁵ with the result that Morocco continues to occupy the disputed territory illegally.

4. Roles and Interests of Regional and International Players in the Conflict

Despite the legality and legitimacy of the Saharawi people's right to self-determination, the question of Western Sahara has always

¹⁴ http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1783%282007%29

¹⁵ http://www.elpais.com/iphone/index.php?module=iphone&page=elp_iph_visornoticias&idNoticia=20080828elpepuint_5.Tes&seccion=

been tied to geopolitics, thus inhibiting a just and peaceful solution to the conflict. To gain a better understanding of the deadlock in this conflict, it is essential to analyze the positions and interests of all concerned parties: Polisario and the SADR; Morocco; Spain; Algeria; France; and the United States.

4.1. *The Polisario Front and the SADR*

The Polisario Front's position on this issue has been clear and consistent. The Front wants the people of Western Sahara to exercise their right to self-determination, with the assumption that this would lead to an independent nation in Western Sahara. The Polisario declared the Saharawi Arab Democratic Republic (SADR) in February 1976, and now controls 20% of the territory. The self-proclaimed republic enjoys full membership of the African Union and has been recognized by over eighty nations. The primary motivation of the Polisario movement is the right of self-determination: it feels that the Saharawi people have suffered under Spanish and Moroccan occupations and thus deserve to decide their political fate. This claim has been endorsed by the UN since 1966.

4.2. *Morocco*

The position of Morocco in this dispute is very clear and as steady as that of the Polisario. It wants Western Sahara to be an integral part of its territory. The Moroccan claim of sovereignty over the territory is based on historical narratives, and its army controls 80% of the territory.¹⁶ There are different interests at play behind the Moroccan position. Firstly, the conflict is very important for the stability of the Moroccan monarchy, which uses it to gain legitimacy and popular support. Zartman notes that *the*

¹⁶ Larosch, 2007

political usefulness of the issue as a common bond and creed of the political system since 1974 is great, to the point where it imposes constraints on the policy latitude of the incumbent or any other government".¹⁷ Secondly, the regional aspiration of Morocco also contributes to its interest in this conflict: Rabat strives to be the dominant player in the North African region.

Besides these political interests, Western Sahara represents economic interests for Morocco as well. The region has large amounts of phosphates and other natural resources that make a significant contribution to the Moroccan economy.¹⁸

4.3. Spain

From a legal perspective, Spain is still the colonial administrative power of Western Sahara. As mentioned previously, in 1975 Spain handed over the territory to Morocco and Mauritania on condition that the views of the Saharawis would be taken into account. But Spain did not sign away sovereignty over what was its fifty-third province, the Spanish Sahara: as a result, Western Sahara still remains a non-decolonized territory. According to Arts and Pinto, in the 1970s Spain's main goal was to avoid an armed conflict with the Polisario fighters, and this led it to hand the territory to Morocco and Mauritania. At the time, Spain was engaged in starting a new political system after the death of the dictator Franco. Today, however, Spain faces the dilemma of balancing international legal obligations and upholding geopolitical interests.¹⁹ Zoubir and Darbouche assert that Spain has tried to maintain balanced relations with Algeria, Morocco, and the Saharawis. Yet its stand has also been based on strategic

¹⁷ Zartman, *Ripe of Resolution*, p.39.

¹⁸ Larosch, 2007

¹⁹ *Conflicting International Policies and the Western Sahara Stalemate*, p. 101

interests in the region. The current Spanish government has connected Spain's security to Morocco's: it feels that co-operation with Morocco in areas such as illegal immigration and terrorism is crucial to Spanish interests.

Meanwhile, Spain is well aware of the strategic importance of its other southern neighbour, Algeria. Algeria is a key oil and natural gas producing country, and is an economic and political partner of Spain in the region. Thus, the Spanish "positive neutrality over the Western Sahara is part of wider Spanish attempt to reassert itself as a player in the Maghreb."²⁰

4.4. Algeria

Algeria has been the longest-standing and main supporter of the Polisario movement, and provides vital political, military and logistical support. Algeria's stand with the Saharawi people's right to self-determination can be explained in two ways: first is its support for a legal and political principle which is the right of self-determination; second is its struggle for supremacy in the region through ageopolitical approach. As Yahia Zoubir and Hakim Darbouche point out, Algeria's main interest in the conflict derives from fears of its neighbor's irredentism. Indeed, Morocco has made claims over parts of the Algerian territory, and even sought to seize southern regions by force in the fall of 1963. In addition to clear geostrategic interests, Algeria's historical struggle for independence shaped its early diplomatic priorities around the precepts of self-determination and decolonization.²¹

²⁰ End Game in the Western Sahara: What Future for Africa's Last Colony, p. 22

²¹ Conflicting International Policies and the Western Sahara Stalemate, p. 94

In addition, Algeria has always struggled for regional supremacy over Morocco. According to Shelley, by the 1970s the Algerian president Boumedienne's vision of his country was as the Japan of Africa. He wanted to position Algeria as the economic and political leader in the Maghreb region, and this required that Algeria must maintain its support for an independent Western Sahara.

4.5. France

France has been the main supporter of the Moroccan position on Western Sahara, and has been more consistent in its support than any other outside power in this enduring conflict. In fact, France has threatened several times to use its veto power at the Security Council if the UN ever decided to enforce a solution undesirable to Morocco. According to experts on this conflict, the French position is derived from geopolitical and geostrategic interests. For France, preservation and protection of the Moroccan regime was and is important in terms of maintaining French economic, political, military and cultural influence in North, West and Central Africa.²²

Given the fact that Algeria is the major supporter of the Polisario Front, France has also favored Morocco because of France's enormously complex relations with Algeria, its former colony. Zoubir and Darbouche asserted that Algeria's nationalism is often at odds with France's policy: only Algeria had demanded that France repent of its colonial past.²³ Furthermore, France stands with Morocco because of its competition with major powers such as US and Spain over its sphere of influence in the North African region. As Zoubir and Darbouche clearly state, through its strong

²²End Game in the Western Sahara: What Future for Africa's Last Colony, p.199

²³ Conflicting International Policies and the Western Sahara Stalemate, p.98

political and economic presence in Morocco, France hopes not only to curtail growing US influence in the region, but also to prevent the establishment of an independent Saharawi state, whose population speaks Spanish, and would therefore be more receptive to Iberian influence, both culturally and economically.²⁴

Consequently, considering the fact that Western Sahara was the only Spanish colony in the region, France wishes to prevent an independent state that might preclude its influence in a region which France identifies as within its sphere. Besides these factors, there are also economic and commercial reasons that drive the French position on Western Sahara. France is Morocco's main trading partner and the principal investor in that country.²⁵Hence, it is inevitable that France continues to maintain a consistent stand regarding this conflict.

4.6. The United States

According to experts on this matter, the US's role in this conflict started when the war broke out in 1975. The Ford, Carter, and Reagan administrations had provided financial and military support for Morocco's invasion and occupation of Western Sahara from 1975 to 1991. The Bush senior and Clinton administrations maintained a silent position on the UN referendum process from 1992 to 1996. The highest level of US leadership on the issue came with the appointment of the former US Secretary of State, James Baker, as the UN envoy to Western Sahara from 1997 to 2004. However, Baker resigned after seven years without any major progress. Since 2003, the US government's view regarding the conflict has been to leave it to the parties to reach a mutual solution, while maintaining

²⁴ Conflicting International Policies and the Western Sahara Stalemate, p.99

²⁵ Conflicting International Policies and the Western Sahara Stalemate, p.99

undeclared support for the Moroccan Autonomy Plan: local self-rule for the Sahrawi people under Moroccan sovereignty.²⁶

Although the US supports the right of self-determination in principle, its position, like that of France, has been favorable to Morocco for geopolitical reasons. The US has consistently provided decisive political and military support to Morocco, without however overtly supporting Morocco's irredentist claim or recognizing its sovereignty over Western Sahara.²⁷ There are different factors that have contributed to the US position on this conflict. Karin Arts and Pedro Pinto acknowledged that during the Cold War Morocco was portrayed as the ally which best served American and western interests in the region. Despite the fact that the Soviets never supported the Saharawi nationalist movement, the USA was worried about the potential emergence of a pro-Soviet state in Western Sahara.²⁸ In fact, Morocco and its supporters still point out that the founders of the Polisario movement were Leninist, Guevarist, and Maoist sympathizers.²⁹ Furthermore, in August 2004, Baker confirmed this point by saying that the US's support for Morocco is reasonable because "in the days of the Cold War 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."³⁰ Furthermore, Morocco is a major ally of the US in terms of security matters. Zoubir and Darbouche point out that, since the events of September 11 and the global war on terror, many US officials favored Morocco on security issues. In addition, they assert that

²⁶ <http://www.counterpunch.com/mundy04272007.html>

²⁷ *Conflicting International Policies and the Western Sahara Stalemate*, p.100

²⁸ *End Game in the Western Sahara: What Future for Africa's Last Colony*, p. 9

²⁹ *International Law and the Question of Western Sahara*, p.290

³⁰ *Conflicting International Policies and the Western Sahara Stalemate*, p. 100

Morocco also enjoys the support of strong lobbies in the US Congress.³¹

5. Conclusion

The Western Sahara conflict is one of the most neglected and forgotten territorial conflicts in today's world. According to the UN, Western Sahara remains Africa's last colony. However, with regard to geopolitical issues, the status quo of 'neither war nor peace' seems to be the least damaging outcome. The conflict has been in deadlock for years and a solution that is acceptable to all the antagonist parties seems far from attainable. What the future holds for this ongoing dispute remains unclear; only time will tell.

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³¹ International Law and the Question of Western Sahara, p.291

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