

Possibilities Of Peace In The Western Sahara

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Under the scorching sun and amid the desolate sands of the vast desert, the conflict over the Western Sahara remains unresolved. Like a mirage vanishing into the sand-swept terrain, the resolution to this conflict keeps disappearing just as the parties involved get seemingly closer to its settlement. It is a battle that is filled with all the fun players in the political landscape; it has all the trappings of a political nightmare. The entire North African region plays some role, minus Tunisia, which has had enough sense to stay out. The United Nations is involved, and has been somewhat effective, something not always said about the organization. The Western Sahara conflict can be fully appreciated because it has been a more quiet conflict in a part of the world that has seen many. It remains a largely unknown conflict in the West. There is little to no media coverage on the Western Sahara; perhaps that is a blessing for all sides. It will not stay a quiet conflict if something is not done soon.

All sides grow impatient in the deadlock. One side, the Polisario Front has made its *raison d'être* a referendum that will give the Saharawi people their independence from centuries of colonial rule. The Popular Front for the Liberation of Sakiel al-Hamra and Rio de Oro, (in Spanish, Frente Popular por la Liberación de Saguia el-Hamra y Rio de Oro, Polisario) have defeated more than one nation through their guerilla warfare tactics. Their benefactor Algeria also has a stake in the conflict. Algeria has supported the Polisario for more than 3 decades. With weapons, money and even territory, Algeria has generously supplied the Front and allowed it to set up shop in Algiers as a government-in-exile. The Polisario's government-in-exile, the Saharan Arab Democratic Republic (SADR) has been recognized by numerous countries around the globe.

Algeria is actively involved in the Western Sahara conflict. The conflict pits neighbor against neighbor in an old-fashioned game of *realpolitik*. Algeria has a long running border feud with Morocco that dates all the way back to the colonial days, in some ways even further. The border between the two countries is as vague and unclear as the Saharan desert that separates them. Algeria and Morocco clashed over a border dispute in a small war in 1963. Algeria has been able to use the Polisario much the same way Syria uses Hizbullah against Israel; it allows Algeria to use a proxy force to batter Morocco without getting its hands dirty. Furthermore, on an ideological level, Algeria views the Sahrawis fight for independence in terms similar to its own experiences in the fight for decolonization and liberation.

Morocco has been the other side of this equation. The Moroccan Kingdom fought for the Sahara's liberation before any other country in North Africa had freed itself of the colonial yoke. The Moroccan Sahara, as it is known there, is seen as a legitimate part of historical Morocco. It is a physical and psychological link to the great Sharifian Empire, the precursor to the modern Moroccan state that controlled all of Northwest Africa. The Saharan territories are tied to the dreams of "Greater Morocco;" they are an integral piece of Morocco that will never be fully relinquished.

In many ways, the battle between Algeria and Morocco over the fate of the Western Sahara is a struggle for regional hegemony. Whoever holds the Western Sahara has the upper hand in vying for regional supremacy. If the Polisario has its own state, it will be a weak state under heavy influence by its patron Algeria. Algeria has a client state that now helps it encircle its geo-political rival Morocco. They also receive a de-facto window to the Atlantic Ocean.

If Morocco is to retain control of the Western Sahara, they keep a mineral rich desert with great beachfront property. There is the largest deposit of phosphates in the world as well as uranium and possibly even oil. The coastal fishing areas are some of the most plentiful. Furthermore, it increases Morocco's territory by nearly 60 percent, from 275,200 square kilometers to 440,000 square kilometers.¹ The Western Sahara conflict pits neighbor against neighbor; it is a conflict that holds the balance to regional stability in North Africa.

Beyond regional geo-politics, there are many other ingredients thrown into the mix. One generalissimo, two monarchs, a tripartite agreement, four options, and five criteria. A Green March. A few military coups. Countless resolutions and revolutionaries. Thousands in question, millions spent by the United Nations, billions in military aid. There has been terrorism and colonialism, refugees and occupation. Promises of mineral riches and legitimacy are at stake. Throw in some brilliant strategies and tactics displayed by both the Moroccan Army and the Polisario. Not to mention the role of the bumbling colonial powers, France and Spain, who managed to mess up one more place on this planet. Added all together you come up with the recipe for disaster.

What all sides need to appreciate is that although the conflict remains unresolved, at the moment it is relatively peaceful. Unlike the Arab-Israeli conflict, all sides are talking, albeit not always very well. Negotiators have tried to play their hand at mediating the affair including the Organization of African Unity, the United Nations, the United States, the Soviet Union, the European Union, Egypt, Saudi Arabia, the Palestine Liberation Organization, the Arab League, to name just a few. Former United States Secretary of State James Baker is currently having a shot at it, as special envoy assigned by Kofi Annan and the UN. He is so fed up with all sides that it has been reported he is ready to quit.

At the moment, all sides are bogged down in an effort to either hold a "winner take-all" referendum or come up with an alternate solution that addresses the needs and desires of all parties involved. The drive towards holding a referendum has stalled out over such fundamental questions as "who is a Sahrawi," and who should be eligible to cast their vote in the proposed referendum. As the United Nations efforts to hold a referendum appear increasingly unlikely to take place in the near future, many questions arise to what is on the horizon for this hotly contested area.

Why does the Western Sahara, described by one journalist as a "God-forsaken scorching desert tract with little water and less people,"² elicit such passions for Moroccans and the Polisario alike? What role have the military strategies and tactics employed by the Moroccan Army and the Polisario played in this conflict? What has been the role of international diplomacy on the conflict? Why has the United Nations been unable to hold a referendum and what factors have been holding up this process? Should a referendum even take place? In this paper, the author seeks to answer these questions, as well as focus on the history of the Western Sahara conflict from all sides. Through an in-depth look at the role of the players involved, and the politics and history behind the struggle for the Sahara, the author examines the possibilities of peace in this contested region.

¹John Damis, "The Western Sahara Dispute as a source of regional conflict in North Africa," from Halim Barakat, Contemporary North Africa, Center For Contemporary Arab Studies, Washington 1985, p.139

²"The Sahara," *An-Nahar Arab Report: Background*, part 1, July 28, 1975, p.1 (From Damis, Conflict, p.1)

The Land:

The territory comprising the Western Sahara is a scarcely populated stretch of desert on the coast of Northwest Africa. The Western Sahara is comprised of two regions, Sakiat al-Hamra (Saguia el Hamra in Spanish) and Rio De Oro. It is one of the least-densely populated places in the world. Yet what it lacks in population, it makes up in natural resources. As previously mentioned, the Western Sahara is blessed with the largest deposit of high-grade phosphate rock in the world. The Bu Craa mines were estimated as having more than 1.7 billion metric tons of phosphates, the rock used to make fertilizer. Before Morocco (re)acquired the Western Sahara, it was already the world's leading producer of phosphates. Also, deposits of uranium, iron and other minerals including titanium, zinc, gold, and copper have been found in the Saharan terrain³. Traces of oil have been detected, but no large-scale deposits have been uncovered. The Western Sahara has more than 1,200 km of coastline which contains some of the richest fishing areas of any ocean. Boats come from as far as South Korea and Japan to dip their nets into the Sahara's blue Atlantic waters. Ironically, the inhabitants of the Western Sahara barely used this resource, as "the main Sahrawi tribes did not engage in fishing."⁴

Sovereignty:

Historically, the Western Sahara had been beyond the pale of any central authority. Roman expansion never reached farther south than the Atlas Mountains, leaving the Western Sahara just beyond the grasp of the mighty empire. The first Arab-Islamic dynasty of Morocco, the Idrisids (788-974), never extended their authority into the inhospitable area. Islam was brought to the region by the Berber traders and caravans. For centuries, the Western Sahara fell in and out of control of the dynasties ruling over the Maghreb.

Before Spain occupied the Western Sahara, it was part of the Sharifian Empire under sovereignty of the Alawite sultanate. Yet the sovereignty that the Sharifian Empire held over Western Sahara cannot be defined in the modern sense of the word. Within the Moroccan state, there have always been the rival concepts of sovereignty in *bled al-makhzan* and *bled al-siba*; this dichotomy of sovereignty existed because the Sultan possessed the dual role of both temporal and spiritual leader. *Bled al-makzhan*, "land of the government", referred to the territory that was directly under the control the Sultan. This was the area that was under the religious authority, as well as the political, military and administrative control of the central government. *Bled al-siba*, "land of dissidence," referred to the territory that was beyond the control of the Sultan's government, but still gave their *bai'a* (pledge of allegiance) to the Sultan as their spiritual leader. Western Sahara, and the nomadic tribes that dwelled in it, fell under the latter category. While the Sahara might have been outside of the central authority of the government, the sultan issued *dahirs* (royal decrees), pertaining to the governing of the territory. Through these *dahirs*, the sultan appointed *caids* (royal representatives) to the help govern various tribes.

Colonial Domination:

The modern history of the Western Sahara is intrinsically tied to the history of colonialism in Africa. During the 1880's, as the European world was carving up chunks of African territory to

³John Damis, Conflict in Northwest Africa: The Western Sahara Dispute, Hoover International Studies: Stanford 1983, p.4

⁴Tony Hodges, Historical Dictionary of Western Sahara, The Scarecrow Press, inc.: New Jersey 1982, p.125

be divided up amongst themselves, Spain first lay claim upon the Western Sahara. According to John Damis,

“Militarily weak and financially drained, Spain was not a strong competitor in the scramble for colonial territories. As much by default as by design, Spain obtained the Western Sahara after Britain, France, Germany, and Belgium had taken or staked claims on more desirable parts of Africa.”⁵

Spain possessed a keen interest in the Western Sahara as a territory to support its thriving colonies in the Canary Islands. The Saharan coastal waters were seen as an extension of the fishing areas off the Canary Islands, they constituted an economic asset that needed to be protected.

In 1884, Spain established three coastal trading stations at Villa Cisneros (Dakhla), Cintra, and Cape Blanc. That same year, Spain declared itself sovereign over the “Spanish Protectorate of the African Coast” of Rio De Oro (as the whole territory of Western Sahara was known until 1962). Spain backed up this claim with treaties it had established with local tribal chiefs. The Spanish territory of Rio De Oro stretched from Bahia del Oeste (today known as La Guera) up to Boujdor. The territory of Rio De Oro was placed under the administration of the politico-military sub-governor, responsible to the captain-general of the Canary Islands⁶. These claims to the Saharan territory were recognized at the Berlin Conference of 1885. Under the principle adopted at the Berlin Conference, Spanish control over the coastal area translated into Spain’s right to control the interior of the territory.

It wasn’t until the turn-of-the-century that the Sahara received clear-cut boundaries. At two conferences in 1900 and 1904, respectively, the French and Spanish began to define the northern, southern and eastern boundaries of the Sahara in relation to Morocco and French West Africa. This process culminated at the Franco-Spanish Convention of 1912, with the formal establishment of the northern boundary of Spain’s Sahara territories. The Spanish Saharan territory came to comprise the Rio De Oro region in the south, plus the Saguia el-Hamra region in the north, up to 27°40’.

Meanwhile, Morocco also fell under colonial domination. After many years of resistance, the Moroccan state succumbed to the imperial pressures of the French and Spanish and was forced to concede its independence. Under the Treaty of Fes in 1912, Morocco became a protectorate of France, ending centuries of autonomy. A similar treaty was signed with Spain, giving them control of the northern region of Morocco along the Mediterranean coast, the Atlantic coastal enclave Ifni and the Tarfaya region (also known as the Tekna zone). Spanish South Morocco, the colonizer’s title for the Tarfaya region, comprised of the southern region stretching from just above Spain’s Sahara territory to the Oued Drâa.

Despite Spanish claims to sovereignty over the Western Sahara, Spain did very little in the way of conquering and governing the whole of the Saharan territory. Spain never established much of a presence in the Sahara, save the few coastal enclaves. Spain was able to ride the coattails of the French pacification campaign in southern Morocco and enjoy the relative stability that it brought. In 1920, Spain spread their occupation all the way down the coast to La Guera in the southernmost part of the Rio De Oro. Not until 1934, nearly a half-century after Spanish

⁵Damis, p.9

⁶Hodges, p.6

protectorate rule, did Spain finally extend their authority into the territory's interior. Even this was done at France's behest, since the anti-colonial forces had been using the Saharan territory as a staging ground for anti-colonial raids. It was also in 1934 that the Spanish divided the Sahara into two administrative districts, along the aforementioned regions of Sakiet al-Hamra and Rio De Oro. These two districts plus Ifni and Spanish South Morocco were unified with the rest of Spanish Morocco. In 1946, Spain detached Ifni and the Sahara from its protectorate and created a centralized, administrative territory, known as Spanish West Africa.

Greater Morocco:

Following Morocco's successful fight for independence from French and Spanish colonial rule in 1956, the Kingdom shifted its focus to the regaining of all former territories that still remained under foreign occupation. The driving force behind this quest was the ideology of "Greater Morocco," put forward by the nationalist Istiqlal Party and its leader Allal al-Fassi. The concept of "Greater Morocco" sought to reintegrate into the Kingdom of Morocco all territories that were once under Moroccan rule. In his Master's thesis, Derek Harvey wrote,

"The new Moroccan government set out to unite the former territories it regarded as Moroccan by virtue of historical claims, common culture, ethnic links, and more importantly Sunni religious loyalty towards the Moroccan crown."⁷

This territory corresponded to the area ruled at the height of the Almoravid dynasty that controlled all of the Maghreb from 1062 to 1145 CE. The territory of "Greater Morocco" included modern Morocco, the Western Sahara, all of Mauritania, the western part of Algeria and northwest Mali.

To realize the dream of "Greater Morocco," an army of Moroccan irregular forces, the Army for the Liberation of the Sahara (ALS), was organized. In late-1957, the ALS undertook a campaign of guerilla warfare against the Spanish forces remaining in Ifni and Western Sahara and French forces in southwestern Algeria and northern Mauritania. Initially the 3,500 to 5,000 strong ALS, backed by Sahrawis nomads from the Reguibat and Tekna tribes, had tremendous success. The Moroccan irregulars drove the Spanish forces from the interior of the Sahara and forced them to fall back to the more heavily fortified coastal cities.

In response, in January 1958, Spain dissolved Spanish West Africa and turned Ifni and the Sahara into Spanish provinces to be ruled from Madrid.⁸ The Moroccan attacks led to a massive counterinsurgency campaign, "Opération Ecouvillon (mop-up)/Operation Ouragan (hurricane)," by the combined forces of France and Spain in February 1958. The joint Franco-Spanish operation, made up of 9,000 Spanish troops and 5,000 French troops, swept through the Sahara and thoroughly defeated the ALS. Furthermore, the Franco-Spanish troops carried out a "scorched earth" campaign that led to a mass exodus of Sahrawis. The Saharawi refugees sought haven in Morocco. The exact number of refugees is unknown, but figures range from 20,000 to 35,000. The fate of these refugees would have drastic repercussions on the referendum process decades later, as I will discuss later in this paper.

Following the defeat of the ALS, Spain reiterated its commitment to withdraw from Spanish South Morocco (the Tarfaya region) in return for Morocco disarming the ALS and securing its southern border; under the Agreement of Cintra, Madrid and Rabat negotiated such a

⁷Derek Harvey, "The Reagan Doctrine, Morocco...", University of Utah 1988, p.7

⁸Hodges, p.7

deal in April 1958. This agreement marked a shift for Morocco from its position of trying to re-acquire territory by force towards the use of diplomacy. The Moroccan Kingdom would reap the fruits of this policy with Spain's return of (Sidi) Ifni to Morocco in 1969.

Artificial Creations:

In the 1960's Morocco saw its dreams of "Greater Morocco" shattered with the rise of an independent Mauritania in 1960 and Algeria in 1962. The independence of these two states caused very different issues to arise between the Kingdom of Morocco and the new entities. Morocco opposed the creation of an independent Mauritanian state, and tried to block its accession to the United Nations on the grounds that it was an artificial creation of French colonialism.⁹ It wasn't until the end of the decade that Morocco gave up its irredentist desires and finally recognized Mauritania's independence in 1969.

Morocco's issue with Algeria was another matter entirely: the definition of borders. The definition of borders is the issue that is the crux of the Saharan conflict between Morocco and Algeria. According to the American Embassy in Morocco's Political Affairs Counsellor Alan Misenheimer, "before the 19th century borders were conceptual rather than geographic."¹⁰ Later, when both countries were under the spheres of French colonialism, France declined to draw up an exact border between Algeria and Morocco because the area separating the two countries was largely uninhabited.

Historically, the Tindouf, Bechar and Toust regions, in what is now Algeria, had been part of Morocco. Due to French colonial prerogatives, these three regions were shifted from French-Protectorate Moroccan control to French Algerian control around the 1940's. Furthermore, in Moroccan opinion,

"The French adopted the westernmost frontier, arbitrarily shifting three provinces from Morocco to Algeria, on the assumption that France would remain indefinitely in Algeria.¹¹ When France found itself embroiled in the Algerian war of independence (1954-1962), on numerous occasions it offered to Morocco the option to create a more favorable eastern border, in return for Morocco's cessation of support and sanctuary for the Algerian rebels. Morocco repeatedly denied the French offers, claiming it would "quickly solve the issue with its Algerian brothers upon their independence."¹² Despite repeated assurances by the Provisional Government of the Algerian Republic (GPRA) that the French colonial borders were illegitimate and would be redrawn following the liberation of Algeria, upon independence in 1962 the Algerian government proclaimed that the border that existed between the two nations would remain and no negotiations would take place. The result of this position taken by Algeria vis-a-vis their border with Morocco would create a large degree of animosity on the Moroccan side. The following year, the border dispute would spill over into a short war between the two sides. Six years later, in a meeting held in Ifrane, Morocco between King Hassan II and President Boumediene of Algeria, the border dispute between the two nations was patched up briefly, reawakening with coming the dispute over

⁹Damis, p.17

¹⁰Personal Interview with Alan Misenheimer, the Political Affairs Counselor for the United States Embassy in Morocco. April 26, 2002

¹¹ Damis, "The Western Sahara Dispute..." p.140

¹²Interview with Alan Misenheimer

the Western Sahara.

Decolonization, the United Front and the Rise of Sahrawi Nationalism:

Meanwhile, the Western Sahara remained in colonial limbo. During the 1960's, Spain came under increasing international pressure to decolonize its Saharan territory. In accordance with United Nations General Assembly Resolution 1514 (December 14, 1960), Spain was called on to relinquish its African territories. In 1964, the United Nations Decolonization Committee, or Fourth Committee, issued its first resolution pertaining to fate of Spanish Sahara (as it was known at that point). The Fourth Committee demanded that Spain give the Sahara the right to self-determination. This resolution was followed by another resolution passed the following year by the UN General Assembly reiterating the demand for Saharan self-determination. Spain countered this argument by claiming that the Spanish Sahara, along with its other African territories were “Spanish provinces and, as integral parts of the Spanish state, were not entitled to self-determination.¹³” In 1966, the UN passed its first resolution calling on Sahrawi self-determination to be realized through the process of a referendum. This was tacitly supported by Morocco, who believed that if the Sahrawis were given the option, they would overwhelmingly choose to join Morocco.

It was also during the mid-1960s that Spain became acutely aware of the mineral riches that existed just below the Saharan soil. The discovery of the large-scale deposits of phosphates at the Bou Craa mines, outside of Laayoune, brought about the first real Spanish investments to the Sahara. Spanish desire to exploit the phosphate deposits in the Sahara led to a tactical shift in Spanish policy regarding the region. In an attempt to placate international opinion, General Franco’s government nominally accepted the concept of Sahrawi right to self-determination, so long as this coincided with Spanish ambitions for the territory. In May 1967, Spain created the *Djemaa*, a Saharan general assembly comprised of Sahrawi notables from the various Saharan tribes. The creation of the *Djemaa* was an attempt by Spain to silence its critics and give the appearance that the Sahara was progressing towards self-rule.

Around the same time-period, the roots of a separate Sahrawi nationalism began to take shape. Influenced by other nationalist-revolutionary movements in the Third World, Sahrawis started demanding the self-determination that was promised to them under the UN resolutions. The first Sahrawi political organization to stand up to Spain was the Saharan Liberation Movement (MLS), founded in 1968 under the leadership of Mohammed Sidi Ibrahim Bassiri. Through non-violent, peaceful protest, MLS demand from Spain the application of the promised autonomy. The rise of the MLS marked the first grass-roots political movement to spring from the Saharan soil. Unfortunately, the movement’s history was short-lived. On July 17, 1970, in response to a Spanish-sponsored rally in Laayoune to show support for the colonial authority, the MLS organized a much larger counter-demonstration. Although the demonstration was peaceful, Spanish troops opened fire on the crowd when its protestors refused to be dispersed. Based on conflicting reports, the casualties ranged from as little as two Sahrawis killed to as many as sixty. The Spanish authorities moved quickly to crack down on the MLS by rounding up scores of the movement’s supporters including the MLS’s founder Bassiri. Following his detention, Mohammed Sidi Ibrahim Bassiri “disappeared,” and his whereabouts are still unknown today.

¹³Damis, “Conflict..”p.46-47

As the 1960s came to a close, Morocco, in temporarily settling its border dispute with Algeria and recognizing Mauritania, formed a unified front with its Northwest African neighbors against Spain's continued control over the Sahara. The coordination between the three countries began in 1970, with a summit held in Nouadhibou, Mauritania. The summit between King Hassan, President Boumediene, and President Ould Daddah of Mauritania, laid the groundwork for a short-lived alliance between the three countries.

Two years later, at the Organization of African Unity (OAU) Summit held in Rabat, King Hassan and President Boumediene negotiated a border agreement regarding the disputed demarcation. In the agreement, Morocco accepted the de-facto border that existed between the two countries; in doing-so, Morocco essentially withdrew its claims to the disputed Tindouf region. The implication of this agreement was that in return Algeria would "support, or at least not oppose, Morocco's claims to the Western Sahara."¹⁴ Also at the 1972 summit, Morocco and Mauritania began hashing out a joint solution for the Western Sahara. Based on the understanding between King Hassan and President Ould Daddah, Morocco would gain the northern region and Mauritania would acquire the southern region of the Sahara. All of this was tacitly agreed upon by Algeria¹⁵.

In the spring of 1973, another key player made its debut onto the political stage. On May 10, 1973, the Popular Front for the Liberation of Sakiat al-Hamra and Rio de Oro (Polisario) was founded to resist Spanish colonialism through by means of guerilla warfare. The Polisario Front's leadership and upper echelon initially consisted of a combination of three distinct groups. The first section comprised of the Saharan nationalists and the Saharan educated elite, many of which had been followers of Bassiri and supporters of the MLS. The second component of the Polisario was radical left-wing/Marxist Moroccan students. Many of these students were educated at Mohammed V University in Rabat. The third section included a core of anti-colonial militants that resided in Mauritania. Initially, the Polisario under the leadership of Mustapha El-Ouali, advocated the return of the Spanish Sahara to the Kingdom of Morocco. This position was not out of an affinity to the Moroccan crown, instead "in the spirit of the extreme-left, Western Sahara would be used as a base to start the [Marxist] revolution against the reactionary regime."¹⁶ The Polisario set up its base of operations in Mauritania, where it would reside for the first two years of its existence. The Front received its initial financial and military aid from Libya, not Algeria- who supported another Sahrawi liberation group. Ten days after its foundation, the group waged its first guerilla operation against Spain.

Dominos:

After years of resisting international pressure, it was a revolutionary coup that took place in Spain's Iberian neighbor Portugal in April 1974, which forced Spain to set into motion events that would decide the fate of the Western Sahara. Seeking to avoid a situation similar to that of Portugal's hasty withdrawals from its African territories of Angola and Mozambique, Spain finally consented to granting self-determination to the Western Sahara. In essence, the Portuguese coup was the initial spark that would be the catalyst for a chain reaction of events that took place throughout North Africa beginning in the summer of 1974.

¹⁴Ibid, p.48

¹⁵Ibid, p.48

¹⁶Personal Interview with Dr. Ahmed Herzeni. April 17, 2002

On July 4, 1974, Spain announced that it would begin the process of self-determination, starting with internal autonomy for the Saharan province. Four days later, King Hassan II made a nationally televised speech declaring that 1975 would be the “year of destiny” in which the Kingdom would regain its Saharan territory. During that same month, Morocco undertook a major diplomatic campaign to rally support behind Moroccan claims to the territory, a campaign that would prove largely unsuccessful. Six weeks later, on August 21, 1974, Spain announced that in accordance with UN resolutions, it would hold a referendum in the Western Saharan territory during the first half of 1975.

Also in the end of August, the Polisario convened its second congress. At this congress, the Polisario shifted their demands from integration with Morocco to full-fledged independence. In the new manifesto adopted by the movement, the Front declared, “the [Sahrawi] people have no alternative but to struggle until wresting independence, their wealth and their full sovereignty over their land.¹⁷” Furthermore, the Polisario sent a letter to King Hassan, warning him that if Morocco attempted to annex the Sahara, the front would oppose this measure with force. Due to the growing support for the Polisario within the Sahara, Algeria began to cultivate relations with the movement.

The Census:

To facilitate the holding of the proposed referendum, Spain undertook a census of the Sahrawi population. Even today, the results of this census are still subject to fierce debate by all sides. Author John Damis notes the census as “thorough” and points to Spain’s use of “specialists, aided by bilingual Sahrawi students, utilizing Land Rovers and helicopters to reach isolated areas of the territory...The census, taken on a village-by-village basis was very detailed and lists tribal, subtribal, age, and occupation groups.¹⁸”

The total population that the census listed was 73,497 Sahrawis residing in the territory. Both Morocco and the Polisario claim that the census grossly undercounted the number of actual Sahrawis, but for different reasons.

Surprisingly, both Morocco and the Polisario have put forward a similar argument that, due to the nomadic nature of the Sahrawis, the Spanish census vastly undercounted population. The Polisario argued that the census failed to count many of the Sahrawi nomads. Of the Sahrawis that the census did reach, the Polisario contended that the Spanish only counted the one male member of a family that possessed an identity card and was in contact with the colonial authorities.¹⁹ On the flip side, Morocco argued that the census “was not a mere technical operation, but was designed to counter Moroccan territorial claims. [The] census deliberately ignored an important number of Sahrawi refugees²⁰” that had fled to Morocco proper following the 1958 Franco-Spanish military campaign, and the many years of drought that followed. Far from perfect, the census is at least a semi-reliable estimate of the amount of Sahrawis residing in Western Sahara at that exact

¹⁷Hodges, p.139

¹⁸Damis, “Conflict...”, p.8/ notes p.159

¹⁹Damis, “Conflict...”, p.8

²⁰Dr. Lahcen Haddad, unpublished article, p.2

time period.

Buying Time and the Winds of Change:

Faced with the alarming prospect that a referendum would take place in the Western Sahara paving the way for the territory's independence, King Hassan was put in a bind. Already on shaky ground following two coup attempts in the early 1970's, the king could ill-afford to lose the Sahara territory. If the Western Sahara gained its independence, in all probability this event would be the final "nail-in-the-coffin" for Hassan's regime. In response to Spain's announcement of a possible referendum, King Hassan undertook two measures that managed to change the course-of-events.

First, the Kingdom consolidated its position on the Western Sahara with its neighbor Mauritania. The two countries agreed to partition the Western Sahara between them, with Morocco gaining the northern two-thirds of the territory and Mauritania acquiring the southern third. Although the exact date of this agreement is unknown, speculation points to this agreement being adopted by the two countries at the Arab Summit held in Rabat in October 1974. Furthermore, this agreement was acknowledged and agreed to by Algerian President Boumediene²¹.

The second measure undertaken by Morocco was to bring the case of the Western Sahara up with the General Assembly and request a resolution to have the International Court of Justice (ICJ) submit an advisory opinion on the legal status of the Western Sahara. On December 13, 1974, at Morocco and Mauritania's request, the UN General Assembly adopted Resolution 3292 requesting both the ICJ to issue an advisory opinion and Spain to postpone the planned referendum. In doing so, King Hassan managed to buy himself some much needed breathing room from which to manoeuvre.

Morocco was not the only party able to strengthen its hand during the interlude. As a result of its successful guerilla campaigns against the Spanish, the Polisario had gained considerable support among the population within the Western Sahara. When a United Nations delegation visited the Western Sahara in May 1975, they were greeted with huge crowds of Polisario supporters. More importantly, the Polisario was able to parlay this support into enhanced relations with Algeria.

Despite any previous agreement or understandings between Morocco and Algeria over the Western Sahara, during the summer of 1975 the Algerian government underwent a shift in its position regarding the territory. Much to Morocco's chagrin, Algeria began ardently championing the Sahrawi right to self-determination. Moreover, Algeria adopted a policy of economic, military, and diplomatic support for the Polisario.

The International Court of Justice:

The International Court of Justice was asked by the UN to deliberate on two fundamental questions regarding the Western Sahara: 1) Was the Western Sahara a territory belonging to no one (*terra nullus*) at the time of its colonization by Spain? 2) If it was not, what kind of legal ties existed between the territory and the Kingdom of Morocco and the "Mauritanian entity"?

²¹ Andre Poutard, "L'Enjeu mauritanien," *L'Express*, May 16-22, 1977, p.55, from Damis, Conflict..., p.53

Morocco argued that at the time of colonization, the Sahara territory was *bled al-siba*, a territory beyond the Sultan's control but within his spiritual purview. The Kingdom stressed that the *bai'i* given by many tribes to the Sultan illustrated the special relationship of religious allegiance that existed between the Sharifian Empire and the territory. Also, the Moroccan lawyers pointed to the *dahirs* issued by the Sultan in appointing *caids* as concrete proof of the historic links between Morocco and the Western Sahara. Mauritania based its claim to the territory on shared ethno-linguistic identity that existed between the "Mauritanian entity" and the Saharan tribes.

On October 16, 1975, the ICJ delivered its much-anticipated decision. Regarding the first question, the ICJ's sixteen judges were in unanimous agreement that the Western Sahara was not *terra nullus*. This decision was based on the existence of tribes residing in the Western Sahara at the time of Spanish colonization. Also, the court argued that Spain was aware that the territory was not *terra nullus* at the time of colonization since Spain justified its sovereignty over the territory with treaties from the local tribes.

Since the answer to the first question was indeed "no," the Court then issued its opinion on the second question. By a vote of fourteen-to-two and fifteen-to-one, the judges ruled that: "legal ties of allegiance between the Moroccan sultan and some tribes of Western Sahara existed.

They equally show the existence of rights, including some rights relation to the land, which constituted legal rights between the Mauritanian entity...and the territory of the Western Sahara²²."

Although the Court accepted that there had been ties of allegiance between the Moroccan Sultan and some of the Sahrawi tribes, as well as acknowledging the historic links between Mauritania and the Sahara, it ruled that this was insufficient proof of territorial sovereignty displayed by the two nations vis-a-vis the Saharan territory. The International Court of Justice went on to state that it denied:

"any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity."²³

In the Court's opinion, the existence of the legal ties did not translate into Moroccan or Mauritanian territorial sovereignty over the Western Sahara. In light of its findings, the International Court of Justice upheld the Sahrawis' right to self-determination as outlined in the various United Nations Resolutions.

Although far from a ringing endorsement of Moroccan claims to the Western Sahara that the Kingdom had hoped for, Morocco still managed to interpret the ICJ's opinion as explicit proof of the nation's entitlement to the territory. In a selective interpretation that discarded all points contrary to Moroccan claims to the Western Sahara, King Hassan stated that Morocco had been "vindicated." The same day the ICJ opinion was issued, King Hassan addressed his kingdom and declared that a peaceful march would take place in which Morocco would liberate its Saharan territory.

The Green March:

With a flair for dramatics, on October 16, 1975 King Hassan announced to Morocco, and to the world, that he would lead a peaceful march of 350,000 civilians across the border into Western

²² International Court of Justice's advisory opinion, published October 16, 1975, (Hodges, p.184)

²³Ibid, p.184

Sahara and reclaim their rightful territory. Named after the holy color of Islam, the Green March (*Al-Massira al-Khadra*) would prove to be the decisive event that enabled Morocco to reclaim the Western Sahara. The call for the march resonated throughout the entire spectrum of Moroccan society. Within three days of the announcement upwards of 500,000 Moroccans had registered to take part in the Green March.

While preparations for the march were underway, an unexpected event took place that would tip the balance in Morocco's favor. A day after the march was announced, Generalissimo Francisco Franco became terminally ill. The octogenarian fascist dictator would spend the next six weeks lapsing in-and-out of a coma. Spain was left leaderless and preoccupied with the transition of power.

On November 6, 1975, "under a sea of red Moroccan flags, waving portraits of King Hassan and copies of the Koran,²⁴" the Green March crossed into the Western Sahara. Not wanting to fire upon unarmed civilians, the Spanish Army withdrew from the border to a heavily-mined "dissuasion point" roughly 12 kilometers away. Although the Green March was planned to go as far as Laayoune, it stopped just a few symbolic kilometers past the border. With the enormous leverage that the Green March provided, Morocco and Mauritania pressed Spain to begin formal negotiations for the hand-over of the Western Sahara. Seeking to extricate itself from the precarious position it was in, Spain agreed.

Three days after entering the Western Sahara, King Hassan ordered the 350,000 marchers to return home. For King Hassan, the Green March would prove to be the pinnacle of his reign. In the outpouring of patriotism that the Green March created, the Moroccan monarch was able to prop up his rather-fragile regime and realize the long held quest of regaining the Western Sahara.

The Tripartite Agreement and the Sahrawi Exodus:

On November 14, 1975, Spain, Mauritania, and Morocco reached a trilateral accord ending the Spanish colonial presence in the Western Sahara. Under the terms of the agreement Spain agreed to withdraw from the Western Sahara by February 28, 1976. In the meantime it would, "hand-over administrative authority- though not sovereignty- to a joint Moroccan- Mauritanian administration. In the interim period, as Spain gradually withdrew its military forces and civilian personnel, the three countries would share administrative responsibilities.²⁵" The will of the Sahrawi people would be taken into account by consultation with the Djemaa assembly. For Morocco, the agreement signified a monumental diplomatic victory. News of the agreement infuriated Algeria, who saw their immediate neighbors conspiring together in a move that would harm Algerian interests. In response, Algeria greatly increased their financial and military aid to the Polisario and took to forums within global civil society to demand for Sahrawi self-determination.

As Spain departed, Morocco and Mauritania wasted no time moving in and trying to consolidate their control over the Saharan territory. Upon their entrance into the Western Sahara, the Polisario, who bitterly opposed the agreement, greeted the Moroccan and Mauritanian armies with force. The Polisario initially attempted to hold major towns, but they proved to be no match

²⁴Hodges, p.162

²⁵Damis, *Conflict...*, p.67

in fighting the more powerful and better-equipped Moroccan and Mauritanian armies in traditional military engagements. Instead, the Polisario returned to the use of guerilla warfare to oppose the incoming armies.

At the same time, an exodus of Sahrawis from the Western Sahara began. Three different reasons are noted for the Sahrawi exodus. First, a large number of the refugees left voluntarily. This group comprised either supporters of the Polisario or those who did not wish to live under the incoming regimes. The second group fled “out of fear- to escape the intimidation and repression of the incoming armies, either real or greatly exaggerated by the Polisario.²⁶” The third category left under pressure by the Polisario. Algeria allowed the Polisario to resettle the refugees in camps in the Tindouf region and ceded the territory to Polisario control. The number of refugees that left the Western Sahara and settled in the camps has been subject to dispute by both sides. Speculation on the number of refugees that fled ranges from a few thousand to as high as half the Sahrawi population.

One Chapter Closed, Another Opened:

On February 26, 1976, Spain completed its evacuation, ending nearly a century of colonial presence. The Spanish legacy left on the Western Sahara was minimal. Spain had done little to develop the Western Sahara, and few ties had been forged between the colonial master and its subjects. At the time of the final withdrawal, Spain had built barely 500 kilometers of paved roads and not a single track of railroad. Freshwater sources were developed only in Laayoune and the main Spanish military garrisons²⁷. The majority of the urban Sahrawi population resided in shanty-houses. Nor had Spain undertaken any serious efforts to create meaningful employment or educate the Saharan population. At the end of Spanish rule, nearly 60 percent of the Sahrawis were unemployed and close to 95 percent were illiterate.

As the Spanish flag was being lowered over the Western Sahara, the same day Morocco and Mauritania convened the Djemaa to ratify the Tripartite Agreement and pave the way for reintegration of the territory. Of the 102-member assembly, the 65 members who were present at the session voted unanimously in favor of the agreement. Morocco and Mauritania insisted that the vote of the Djemaa represented the culmination of Sahrawi self-determination. King Hassan declared the Saharan chapter to be finally “closed.”

Twenty-four hours later the Polisario made its own declaration, ensuring that the issue was far from closed. On February 27, 1976, the Polisario Front proclaimed the Saharan Arab Democratic Republic (SADR). This declaration was quickly recognized by Algeria, who allowed the SADR to create a government-in-exile in Algiers. With this recognition, tensions between Morocco and Algeria trebled. Morocco and Mauritania followed suit by severing diplomatic relations with Algeria.

The Military Phase of the Saharan Conflict:

Believing that “a determined challenge to Morocco’s claim to the Western Sahara would ultimately result in the collapse of the Moroccan monarchy,²⁸” Algeria threw its full weight behind the Polisario. With heavy Algerian military backing and financial support, the Polisario undertook

²⁶Ibid, p.73

²⁷Ibid, p.27

numerous military operations against the two parties now in control of the Western Sahara. From their bases in the Tindouf region of Algeria, the Polisario turned the brunt of its guerilla warfare campaign primarily, but not exclusively, against Mauritania. Perceived as the weaker of two opponents, the Polisario wanted first defeat Mauritania before directly challenging Morocco.

Initially, the Polisario used a variety of light weapons such as machine guns, mortars, land mines and antitank launchers²⁹ to carry out hit-and-run missions against the Moroccan army and its logistical supply forces. With the use of Land Rovers, the Polisario was able to take advantage of its mobility in harassing the larger foe. As the conflict progressed, through Algerian and Libyan military support, the Polisario gained access to heavier Soviet-made weapons. These weapons included 122 mm rockets, cannons and Kalashnikov rifles³⁰.

Over the next few years, the Polisario battered Mauritania with raids against the country's meager economic resource centers. The Polisario launched a series of raids into Mauritania proper and inflicted serious damage to the country. With the war decidedly in the Polisario's favor and spiralling defense budgets that accounted for half of the overall national budget, a military coup took place to remove Mauritania from the war. In July 1978, President Ould Daddah was overthrown and replaced by a military junta intent on withdrawing from the conflict. In the summer of 1979, on the heels of a second coup in Mauritania, the Polisario and Mauritania signed a peace treaty in Algiers. Under the terms of the treaty, Mauritania withdrew all territorial claims to the Western Sahara and agreed to hand over their Saharan territory to the Polisario. Under the treaty, Mauritania also recognized the Polisario as "the sole legitimate representatives of the people of the Western Sahara." In return, the Polisario renounced all claims to Mauritanian territory. The Polisario's takeover of the Mauritanian section of the Western Sahara would never come to fruition. As Mauritania withdrew, Morocco quickly took control of the territory.

Meanwhile, the Polisario had also put Morocco on the defensive. The wide-open desert terrain was conducive for the Polisario's guerilla warfare tactics, as it offered them complete freedom of movement. The conventional Moroccan Army was ill prepared to battle the highly mobile Polisario guerillas. Furthermore, the Polisario had begun to attack targets in Morocco proper. Unable to bring their superior firepower to bear against an enemy that refused to engage in decisive battles, the Moroccan military was slowly becoming disheartened. The Polisario had forced Morocco to abandon most of the eastern section of the Western Sahara. They had effectively pushed the Moroccan Army into an uncomfortable defensive posture, defending little more than one-tenth of the Western Sahara territory³¹. As Morocco entered the 1980s, it appeared to be on the losing side of the war for the Sahara.

Sand Walls:

In the face of a "deteriorating military situation [that] was apparent to the Moroccan public,

²⁸Bruce Maddy-Weitzman, "Conflict and Conflict Management in the Western Sahara: Is the Endgame Near?," Middle East Journal, Volume 45. no. 4 Autumn 1991, p.595

²⁹Damis, Conflict..., p.83

³⁰Ibid, p.83

³¹Harvey, p.25

the military, and outside observers of the conflict,³² Morocco embarked on a military strategy that would prove to be the crucial turning point in the battle for control of the Western Sahara. Akin to China's construction of the Great Wall that was built to defend the Middle Kingdom from hordes of highly mobile barbarians, Morocco undertook the construction of its own security walls to protect the Moroccan Kingdom from the onslaught of the Polisario guerrillas.

Beginning in 1980, the Moroccan army began constructing a security wall, or "berm," to protect the northwestern area of the Sahara known as the "useful triangle." The "useful triangle," the area where most of the mineral resources existed, comprised the area from Tan Tan to the north, Smara to the east, and Laayoune and the Bou Craa mines to the south. This area was cordoned off from the rest of the Western Sahara by the 600-kilometer security wall, which was completed in May 1981.

Constructed from sand and stone, the roughly ten-foot high wall was equipped with radar and advanced motion detectors. Every few kilometers along the wall, there was either an army command post or bunker to monitor activity beyond the wall. With the radar and motion detectors, the Moroccan Army was able to detect Polisario movement nearly 50 kilometers away. This early detection system allowed Morocco to negate the element of surprise that the Polisario had previously been relying on. Upon detection, Morocco was able to take advantage of its more advanced military weaponry and strike at the enemy forces. If Polisario units managed to avoid initial detection, they were faced with navigating through the maze of barbed wire and minefields that lay in front of the wall.

The initial successes of the first security wall led Morocco in 1984 to construct a second and third 300-kilometer wall, respectively, near the northeastern border with Algeria. A fourth 200-kilometer wall connected these two walls. A fifth wall was constructed parallel to the Mauritanian border near Guelta Zemour, followed by a sixth wall that covered 550 kilometers, plus a final seventh wall.

By expanding the area that the walls covered, the Moroccan army was effectively able to deny the Polisario access to the open desert and disrupt the Front's freedom of movement. More importantly, the Polisario now needed to concentrate their forces on a large-scale military operation to breach the heavily defended wall. To do so meant the increased likelihood of a decisive battle taking place between the Polisario and the Moroccan army, a move that would allow Morocco to take advantage of its superior military strength. The methodical expansion of the walls allowed Morocco to slowly bring the majority of Saharan territory under its control. Unfortunately, at the same time Morocco started winning on the military battle against the Polisario, it began losing the diplomatic war to Algeria and SADR.

SADR's Seat and the Role of the UN:

While war in the desert raged on, Algeria was busy flexing its diplomatic muscles in convincing Third World countries to recognize the Saharan Arab Democratic Republic. As more nations recognized the Saharan Arab Democratic Republic, more diplomatic pressure mounted on Morocco. By 1982, over fifty countries had recognized SADR³³. Furthermore, international

³²Ibid, p.25

³³Anthony Pazzanita, "Morocco versus Polisario: a Political Interpretation," *The Journal of Modern African Studies*,

pressure meant Morocco was still forced to pay at least lip service to the concept of a referendum; that same “referendum on self-determination,” which Morocco thought it had managed to avoid, refused to go away.

For considerable time, the Organization of African Unity had been trying to negotiate between all sides. However, the role of this organization would be compromised following the decision by the Organization of African Unity to offer to seat the SADR as a member at the OAU Summit in 1982, a decision which Algeria played a key role in securing. In response, Morocco and its allies staged a boycott and the summit was subsequently canceled. Morocco declared that if the SADR were to be seated as a member of the OAU, Morocco would withdraw from the organization. The OAU Summit the following year took place only after the SADR agreed not to accept the seat. When SADR accepted the seat at the 1984 OAU Summit in Addis Ababa, Morocco followed through with its promise and withdrew from the Organization of African Unity. The seating of SADR and subsequent Moroccan withdrawal from the OAU signaled the end of that organization’s role as the prime mediator to the conflict.

Over the course of the next few years, the United Nations would undertake the role of lead negotiator. Under the leadership of Secretary-General Javier Perez de Cuellar, the UN was able to kick start the negotiating process between all sides. What began as indirect talks between the Polisario and Morocco in New York in 1986, slowly revolved into negotiations. Yet before any progress in negotiations between Morocco and the Polisario could take place, Moroccan-Algerian relations had to be repaired.

The Thaw:

After nearly a decade of relations that could be characterized mildly as “hostile,” Morocco and Algeria began making slow steps towards reconciliation. What began with a Saudi Arabian mediation mission in 1987 culminated the following year with a resumption of diplomatic relations between Morocco and Algeria. One factor behind the thaw was the growing economic strain that the war between Morocco and the Algerian-funded Polisario was having on both Moroccan and Algerian coffers. Together, the two countries declared both their support for the international mediation efforts to bring about peace to the Western Sahara conflict, and acknowledged the role of the referendum on self-determination in that process.

For the Polisario, despite its many successes in the diplomatic realm, it was ultimately losing the battle on the ground. Economic troubles in Algeria had forced Algiers to reduce the level of aid it was supplying to the Front. Moreover, with their mortal enemy and benefactor reconciling their differences, the Polisario appeared to be the party that would be left out in the cold.

All of these factors combined to create a situation that was ripe for the United Nations to seize, with a proposal that would lead all sides back from the abyss. On August 11, 1988, UN Secretary-General Perez de Cuellar submitted a peace plan to Morocco and the Polisario to resolve the conflict in the Western Sahara. The plan contained proposals for a cease-fire and a referendum to decide the status of the Western Sahara. As part of the cease-fire, Morocco would greatly reduce its military presence in the Western Sahara, with the remaining troops in the territory being

V.32, No.2 1994, p.271

confined to military barracks. Likewise, the Polisario would withdraw its forces to its bases.

Under the referendum, Sahrawis would be given the choice either of integration with Morocco or independence for the territory. The proposal for the referendum outlined the 1974 Spanish census as the basis for voter eligibility. Despite numerous reservations held by both Morocco and the Polisario, both sides accepted the UN peace proposals.

The Settlement Plan:

The acceptance of peace proposals did not immediately translate into peace. The peace process between Morocco and the Polisario would limp its way along over the next few years. The acceptance of the 1988 UN peace proposals would pave the way for the first direct talks between Morocco and the Polisario in more than a decade. On June 18, 1990, following two years of direct meetings with all sides, Secretary-General Perez de Cueller submitted a detailed blueprint for the settlement of the Western Sahara conflict to the United Nations Security Council. This plan, approved ten days later by the Security Council, was based on the Security-General's original 1988 peace proposal, but with concrete proposals to implement his original plan. This blueprint became the backbone for the "Settlement Plan." The Settlement Plan was further detailed in another report issued by the Secretary-General on April 19, 1991, and was ratified ten days later by the Security Council.

Under the Settlement Plan, as outlined by the 1988 peace proposal, and 1990 and 1991 reports by the Secretary-General, the United Nations would implement and monitor a formal cease-fire between Morocco and the Polisario. Included in the cease-fire, the UN would oversee a troop withdrawal by each side based on the 1988 proposal, a release of prisoners-of-war, and a repatriation of refugees. Once the cease-fire was in place, the UN would begin the preparations for a referendum offering voters either integration with Morocco or independence. Preparations for the referendum included a voter identification committee to decide who was eligible to cast their vote. Following the completion of voter identification, a referendum was scheduled to take place in January 1992. To monitor the cease-fire and facilitate the proposed referendum process, the United Nations set up the "United Nations Mission for a Referendum in Western Sahara," or MINURSO. On September 6, 1991 a formal cease-fire between Morocco and the Polisario went into effect, ending more than 15 years of bloodshed.

With the cease-fire in place, MINURSO began the contentious process of voter identification and registration. The optimistic date that set the referendum to be held in January 1992 immediately proved to be unattainable. Negotiations over the basic criteria for voter identification dragged on until June 1993, when Morocco and the Polisario were able to finally agree upon the parameters of voter eligibility. Under the agreed-upon criteria, an individual needed to fall into one category out of a list of five to be eligible to vote in the referendum: 1) individuals counted in the 1974 Spanish census; 2) individuals present in the Western Sahara at the time of the census but not counted; 3) the immediate relative of an individual counted in the census, i.e. parent or child, who was at least 18 years of age by December 31, 1993; 4) children of a male Sahrawi born in the territory; 5) individuals who were able to prove they had lived in the territory prior to 1975, either for 6 consecutive years or intermittently for 12 years. The two parties also agreed that the applicants would be "identified by tribal sub-fractions with the help of expert witnesses- tribal

shaykhs- who were leaders in the sub-fraction to which the applicant claimed to belong to.³⁴ One Moroccan-appointed *shaykh* and one Polisario-appointed *shaykh* would be present at the identification hearing to recognize the applicant.

With all of this in place, the identification process began in August 1994. Due to the “zero-sum game” nature of the referendum, both sides immediately tried to tailor the voter list that would favor their position. Morocco sought to open the voting process up to all those it considered to be Sahrawi. In Morocco’s opinion, those eligible to vote in the referendum should include all Sahrawis, including those that had emigrated into Morocco because of their nomadic lifestyle, the refugees that fled into Morocco during the 1958 Franco-Spanish military campaign, and the Sahrawi residents of the provinces which Morocco had regained diplomatically (Tarfaya and Sidi Ifni). More than 175,000 applicants were put forward on behalf of Morocco. Morocco tried to establish the eligibility of many of these applicants under the fourth and fifth criteria³⁵. On the other hand, the Polisario tried to limit the voter registration list primarily to those counted in the 1974 census. They sought to curtail the number of voters eligible by emphasizing the first and second criteria as being the primary factors of eligibility. The Polisario put forward roughly 40,000 applicants.

The diametrically opposed positions held by the Polisario and Morocco wreaked havoc on the identification process. Furthermore, flaws inherent in the identification process immediately surfaced. The testimony of the tribal *shaykhs* proved to be subject to partisan politics. The *shaykhs* would unquestionably accept all those applicants put forward by their respective side, while entirely rejecting the opposition’s applicants. The loss of credibility of the *shaykhs* would ultimately damage Morocco’s cause because so much of their position relied on the use of oral testimony. Irreconcilable differences between the two parties brought the identification process to a grinding halt in 1995.

Enter James Baker:

To break the impasse between the two sides, UN Secretary-General Kofi Annan named former US Secretary of State James Baker III to serve as his Personal Envoy in March 1997. Baker met with all sides and organized four rounds of direct talks between Morocco and the Polisario. The final round of talks culminated in the signing of the Houston Agreements. These accords dealt with issues not addressed in the original Settlement Plan, reiterated both parties’ commitments to the plan, and served to revive the identification process.

In December 1997, the identification process resumed, only to be followed six months later with another breakdown. The second stalemate ended following Morocco acceptance of bridging proposals which it very reluctantly agreed to in the spring of 1999. The second resumption of the identification process continued until the process finally was completed at the end of millennium. However, with over 133,000 appeals filed, it appeared that another millennium would pass before the referendum would take place.

The Framework Agreement:

³⁴Charles Dunbar, “Saharan Stasis: Status and Prospects in the Western Sahara,” *Middle East Journal*, V.54, N.4, Autumn 2000

³⁵Ibid

As it became increasingly clear to the United Nations that the Settlement Plan was not working, James Baker returned to the region in 2000 to search for other methods of solving the conflict. Baker began by trying to find support for an alternative political agreement based on negotiations that would break the status quo. The “third option” approach would ultimately take form in the Framework Agreement.

Under the proposed Framework Agreement, which was based on the principles of democracy, autonomy and decentralization, the Western Sahara would become an autonomous zone within the Moroccan Kingdom. In devolution of authority, the Western Sahara would have its own democratically-elected executive, judicial and legislative bodies to exercise control over the territory. The completed voter list, which was generated from the identification process, would identify those eligible to vote in the elections. The Saharan entity would have control over a wide variety of issues ranging from local governmental administration, taxation, law enforcement, housing and urban development³⁶.

Under the Framework Agreement, Morocco would retain control over all foreign policy and notional security issues regarding the territory. Within the agreement there was the clause which gives Morocco the right to maintain, “the preservation of the territorial integrity against secessionist attempts either from within or without the territory³⁷” Also stipulated in the Agreement was a clause forbidding either Morocco or the Western Saharan branches of the authority to take unilateral action that would change or abolish the proposed status of the Western Sahara. After a five-year interim period, the status of the Western Sahara would be submitted to a referendum vote. Those eligible to take part in the vote would be all full-time residents of the Western Sahara, residing in the territory during the previous year.

Conclusion:

With the United Nations Security Council’s decision in April 2002 to grant the Minurso operation a “stay of execution” while it decides what measures to take, the hope for any conclusion to the Western Saharan conflict appears nowhere in sight. The Security Council continues to deliberate over four options submitted to it by the Secretary-General Kofi Annan. These four options are based on the most recent report submitted by envoy James Baker. The first option is the continued implementation of the Settlement Plan, even without the agreement of Morocco or the Polisario. The second option is the revision of the Framework Agreement, again to be done with-or-without the support of all sides. The third option would be the beginning of negotiations for partition of the Western Sahara territory between Morocco and the Polisario. The fourth option calls for the termination of Minurso from lack of progress. The Security Council has been asked to choose one option from a list that ranges from unworkable to undesirable.

With more than a decade since its inception, the Settlement Plan has proven to be utterly unworkable. As it stands, the proposed referendum is incapable of meeting the criteria placed upon it by both sides. Neither Morocco nor the Polisario has shown any willingness to accept a referendum that doesn’t adhere to their perspective. If the appeals process does end one day, it is unimaginable that Morocco would take part in a referendum that doesn’t look even remotely promising. Having spent more than 25 years investing in the development in the Western Sahara, it

³⁶Framework agreement on the Status of Western Sahara, paragraph 1

³⁷Ibid, paragraph 2

is inconceivable that Morocco would willingly withdraw from the territory following a disputed referendum. Furthermore, Morocco believes that the territory is legitimately their own.

The Polisario does not have a lot of options open to it. If they stick to their demands that a referendum takes place under the Settlement Plan, they might be left waiting for a referendum that will never take place, and in the meantime Morocco would become even more firmly entrenched in the Western Sahara. Despite threats of a resumption of hostilities, the Polisario doesn't have a credible military option to fall back on. The one military option that would be open to the Polisario, terrorism, would effectively destroy the diplomatic support it enjoys in this post-9/11 world.

The third option, partition, is unwanted to the point that it is essentially a non-starter. No side will ever agree to partition of the land; no partition of the land would satisfy any side's desires. Yet partition does possess a logical feature to it. The Western Sahara was partitioned once between Morocco and Mauritania. Since Mauritania relinquished claims to its portion of the Western Sahara to the Polisario, the territory can legitimately be viewed as genuine Polisario territory. The formerly Mauritanian territory would become the independent state of Western Sahara with the Polisario flag flying high above its capital Dakhla. The Western Sahara would be re-partitioned along the old Mauritanian-Moroccan border agreement and the Mauritanian-Polisario agreement. For the sake of peace and international legitimacy to their claims to the Moroccan Sahara, Morocco would hand over the territory that they occupied outside of the agreement on the Sahara. The Polisario would gain its Sahrawi state, albeit a much smaller version than sought after; Morocco would retain the majority of the Western Sahara that was historically theirs. No side's maximalist desires would be appeased by this minimalist pragmatism, therefore the third option is unwanted. Neither side is willing to listen to a seemingly logical solution to a conflict that has proven to be so fully lacking in logic.

The termination of Minurso, the fourth option, is wholly undesirable. For Minurso to pack up and quit would mean that the UN would have to admit failure. To admit failure in this operation, the UN's credibility in the realm of conflict mediation would suffer. The United Nations can hardly afford another failed venture at creating global security.

That leaves only the Framework Agreement. Far from the perfect solution to the problem the Framework Agreement might be the only feasible option. According to Secretary-General Annan, "the proposed framework agreement offers what may be the last opportunity for years to come."³⁸ The Framework Agreement is not without dangers for all sides. Morocco cannot be pleased with the possibility of a Polisario executive running the Western Sahara. The prospect of a "Polisario Authority" is less than ideal. Nor is there any guarantee that Morocco would win the referendum at the end of the interim period. Morocco could still find itself faced with the unpleasant task of relinquishing the Western Sahara. Furthermore, once the Western Sahara gains such a great deal of autonomy, the government might hear similar demands from other regions in Morocco that had previously harbored separatist desires.

For the Polisario, the dangers of accepting the Framework Agreement must be weighed against the dangers of waiting for the Settlement Plan to run its course. Having already spent more than a quarter-century living in the wilderness of Tindouf, the Polisario may feel they can wait it

³⁸Report of the Secretary-General on the Situation concerning Western Sahara to the Security Council, S/2001/613, 20 June 2001, paragraph 60

out just a little longer if it means they can return to the “promised land.” However, the more time that passes, the harder it will be to dislodge Morocco from the territory. Moreover, the Polisario is more likely to find the UN exerting pressure on Morocco to give up major concessions if they accept the Framework Agreement than if they stick to their demands for the Settlement Plan.

The key to this entire equation is Algeria. If Algeria can bring the Polisario to the table for the Framework Agreements, Algeria will be able to reap the rewards that regional stability offers. Algeria has far more to gain from healthy relations with Morocco than it does from maintaining the status quo.

The Framework Agreement is the only option open that can possibly create closure to the Western Sahara conflict. It is the only solution that would break the current impasse that exists between all sides. For North Africa to have lasting peace, the Western Sahara conflict must be resolved, and the path to this resolution rests in the Framework Agreement.

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- 3) Personal Interview with Alan Misenheimer, the Political Affairs Counselor for the United States Embassy in Morocco, conducted April 26, 2002
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