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The UN Leadership Role in Solving the Western Sahara Conflict:

Progress, or Delays for Peace?

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Formerly a Spanish colony known as Spanish Sahara, Western Sahara is the area of an ongoing territorial conflict between the Kingdom of Morocco and the Sahrawi rebel movement POLISARIO (the Frente Popular de Liberación de Saguía el Hamra y Río de Oro), backed by Algeria.¹ A dispute marked by colonization, decolonization, invasion and intermittent political stalemate has given rise to a situation which has been described as “one of the longest, most intractable conflicts in Africa.”²

In 1884, Spain, a latecomer to the colonial scramble for Africa, seized the Western Sahara. Local tribes refused to accept this territorial claim, instead choosing to engage in a fifty year fight against this colonial power over control of the land. After Morocco won independence of its northern territory in 1956, Spain maintained control over the coastal region of the country known as the Western Sahara. The months of June and July 1956 marked the start of Morocco’s Liberation Army (MLA) actions along with two major Saharan tribes, Tekna and

¹ The POLISARIO Front, a liberation group founded on May 10, 1973 by Mustapha Sayed El Ouali, aimed to “opt for revolutionary violence and armed struggle as the means by which the Saharawi population can recover its total liberty and foil the maneuvers of Spanish colonialism” (15); however, the group completely changed its course of action, delivering an ambiguous statement in favor of full independence of the Western Sahara, during its second congress in August 1974. This announcement proclaimed the Saharawi Arab Democratic Republic (SADR) as a government-in-exile in Algeria. The POLISARIO have since received the political, military and diplomatic backing of the Algerian regime against Morocco.

² Jacob Mundy, Out with the Old, in with the New: Western Sahara back to Square One? *Mediterranean Politics*, 2009, 14(1), pp. 115-122.

Reguibat, who fought against the Spanish rule to have the Western Sahara reintegrated within Morocco.³

UN led mediation in resolving the Western Sahara conflict

Under UN auspices, the Western Sahara conflict witnessed different, yet at times overlapping phases: statutory, norm setting, crisis management and conflict resolution.⁴

In 1963, Morocco put the Western Sahara issue, then under Spanish occupation, on the agenda of the United Nations. The UN was first requested to view the Western Sahara dispute as an issue belonging to decolonization processes. This early period is referred to as *statutory* involvement, during which the UN defined the legal and institutional structure of the dispute.

In 1965, the UN General Assembly issued a resolution accepting the provisions of a resolution released on October 16, 1964, of the UN “Special Committee on the situation with regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples relating to Ifni and Spanish Sahara,” which highly urged Spain to relinquish these regions from “colonial domination and, to this end, to enter into negotiations on the problems relating to sovereignty presented by these two territories.”⁵

The UN shifted from laying the foundations of the legal framework of the conflict in early 1960s and 1970s to a level of crisis management, which was taken over by the Security Council. The latter put forward options for the resolution of the conflict. Despite the fact that the Security Council was not in charge of resolving the Western Sahara conflict, its involvement in this crisis laid new and lasting norms for its settlement.

Moroccan endorsement for self-determination was built on a well-grounded assumption that the population of Western Sahara, if given the opportunity, would opt to choose for reunification with the Moroccan motherland. The links between Morocco and Western Sahara were considered to be historically strong and only broken and divided by colonial rule.

³ Attilio Gaudio, *Allal El-Fassi ou l'histoire de l'Istiqlal*, Paris: Edition Alain Moreau, 1972, pp.195-205.

⁴ Perspectives on Western Sahara: *Myths, Nationalism, and Geopolitics*, edited by Anouar Boukhars and Jacques Roussellier, Boulder, CO : Rowman & Littlefield Publishers, 2013, p.123.

⁵ United Nations General Assembly, *Resolution 2072 (XX)* December 16, 1965, Accessed: 16/4/2018.
<http://www.refworld.org/docid/3b00f05d34.html>

Due to a legal disagreement over the status of Western Sahara between Morocco and Mauritania, Morocco took the initiative to inquire to the International Court of Justice (ICJ), under the United Nations General Assembly (UNGA), for an advisory opinion regarding the legal status of Western Sahara before the colonization of Spain.⁶ On October 16th, 1975, the ICJ submitted its Advisory Opinion, which unanimously recognized that Rio de Oro and Saguia el-Hamra were not *terra nullius* before their colonization by Spain, and that there existed legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara.⁷ A few hours after the verdict by the ICJ, Moroccan King Hassan II launched the ‘Green March’ during which 350,000 Moroccans crossed into the Western Sahara, urging the Spaniards to withdraw south by several kilometers.

In 1976, the Western Sahara issue was taken up by the UNGA which acknowledged the role of the Organization of African Unity (OAU) in finding a resolution to the dispute. The UNGA, supported by the OAU Resolution, urged the parties to the conflict, the Kingdom of Morocco and the POLISARIO Front, to undertake direct negotiations with a view of bringing about a cease fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, under the auspices of the OAU and the UN.⁸

This shift happened due to the failure of Morocco and the POLISARIO to achieve political solution. The UNGA went further to pressure the concerned parties, under the auspices of the UNSC and the OAU, to “negotiate, in the shortest possible time and in conformity with resolution AHG/Res.104 (XIX) and the present resolution, the terms of a cease fire and the modalities for organizing the said referendum.”⁹ This resolution offered a large mandate for the former UN Secretary General (UNSG) Perez De Cuellar to mediate the conflict between the parties, known as the proximity talks which occurred in April 1986.¹⁰

⁶ The ICJ was requested to answer the following two questions: 1) Was the Western Sahara (Rio De Oro and Sakia El Hamra) at the time of colonization by Spain a territory belonging to no one (Terra Nelius) and 2) What were the legal ties between this Territory and the Kingdom of Morocco and the Mauritanian entity?.

⁷ International Court of Justice, *Western Sahara: Advisory Opinion of 16 October*, 1975, Accessed: 16/4/2018. <http://www.icj-cij.org/files/case-related/61/6197.pdf>

⁸ United Nations General Assembly, *Resolution 39/40*, December 5, 1984, Accessed: 16/4/2018. <http://www.un.org/documents/ga/res/39/a39r040.htm>

⁹ United Nations General Assembly, *Resolution 40/50*, December 2, 1985, Accessed: 16/4/2018. <http://www.un.org/documents/ga/res/40/a40r050.htm>

¹⁰ Author’s interview with a former Moroccan Ambassador to Algeria, April 2014

The Settlement Plan: Inescapable failure

The UN Security Council, while “taking note of the agreement in principle” requested the UNSG to appoint a special representative who would work on the issue, and report back to the council as soon as possible “on the holding of a referendum for self-determination of the people of Western Sahara, and on ways and means to ensure the organization and supervision of such a referendum by the UN in cooperation with the OAU.”¹¹

Perez De Cuellar affirmed the two concerned parties in the conflict, Morocco and the POLISARIO, without mentioning Algeria explicitly, despite the fact that the latter had a role in drafting the implementation plan. The UN Mission for the Referendum in Western Sahara (MINURSO) was established by Security Council resolution 690 of April 29, 1991, in accordance with settlement proposals accepted on August 30, 1988 by Morocco and the POLISARIO Front.

The stalemate on the voter identification issue was noted in the UNSG report, which led him to “remain at the full disposal of the parties, should they agree to hold talks in whatever format, in order to facilitate a settlement of their conflict.”¹² In his memoirs, entitled *Pilgrimage for Peace*, Perez de Cuellar was clearly convinced that the Settlement Plan could not meet all the concerns of the two parties and that a compromise solution had to be sought. He went on further, declaring that, “I was never convinced that independence promised the best future for the inhabitants of the Western Sahara.”¹³

In 2000, James Baker shared with the UNSC the draft Framework Agreement on the Status of Western Sahara, which was presented to the parties. The agreement provided a five-year period of autonomy, followed by a referendum on the final future status of the territory. The POLISARIO, and its regional backer, Algeria, rejected the draft Framework Agreement as they perceived it to yield to Morocco’s aspirations while providing too little towards their own claims.

¹¹ United Nations Security Council, *Resolution 621*, September 20, 1988, Accessed: 16/4/2018.
<http://www.refworld.org/docid/3b00f1638.html>

¹² United Nations Security Council, *Report of the Secretary General on the situation Concerning Western Sahara*, May 8, 1996, Accessed: 16/4/2018.
http://repository.un.org/bitstream/handle/11176/41119/S_PV.3668-EN.pdf?sequence=3&isAllowed=y

¹³ Javier Pérez de Cuéllar, *Pilgrimage for Peace: A Secretary General's Memoir*, New York: St. Martin's Press, 1997, p. 345.

As for Morocco, it categorically rejected the plan, arguing that Baker's new proposal essentially went in line with the failed Settlement Plan, by reintroducing the holding of the referendum which would take the concerned parties to the initial options. This led, again, to the resignation of the UNSG's Personal Envoy James Baker, which resulted in a sudden end to the UN and US mediation efforts.

Van Walsum was appointed as the next UNSG's envoy to Western Sahara. While Morocco presented its Autonomy Plan for Western Sahara in 2007, the POLISARIO stuck to the former option of holding a referendum. The proposed Autonomy Plan presented by Morocco asserted that it was based on internationally recognized norms and standards before spelling out in some detail the proposed powers of the Sahara autonomous region, the bodies of the region, and modalities for approval by the population concerned.¹⁴

The new envoy made no progress in bridging the disagreement between Morocco's Autonomy Plan and POLISARIO's position that a referendum on full independence must be an option. In 2008, Van Walsum briefed the Security Council that the POLISARIO's hoped-for independence seems unrealistic; coming to terms with reality would be in the Saharans' best interest.¹⁵ Christopher Ross, a former US diplomat in Algeria, was appointed as personal envoy in 2009. From 2009 to 2016, Ross conducted ten informal rounds of negotiations, which led to no progress, given the fundamental differences between the parties' positions. Indeed, none of them were willing to make the slightest concession as to the type of compromise to be adopted.

Conclusion

For more than forty years now, the United Nations has been attempting to settle the Western Sahara dispute, balancing two main parties' concerns: autonomy/sovereignty and self-determination. The current *status quo* is the result of an unusually substantial and consistent set of factors: First, the interests of this dispute are small, despite the continuing major threats of terrorism developments in the Sahel region, where links between Al-Qaeda in the Islamic Maghreb (AQIM) and the POLISARIO Front have been revealed. Secondly, since Morocco reintegrated Western Sahara, Algeria vehemently contested this move and as retaliation it

¹⁴ Erik Jensen, *Western Sahara Anatomy of a Stalemate?* Lynne Rienner Publishers, Inc, 2012, P.111.

¹⁵ Ignacio Cembrero, "Un Sahara Independiente es inalcanzable, *El Pais*, 8 August 2008, Accessed: 16/4/2018. https://elpais.com/diario/2008/08/08/internacional/1218146401_850215.html

started to support the POLISARIO militarily, diplomatically and financially. For Morocco, the solution to this conflict rises from a genuine contribution of the Algerian regime that must show the necessary political will to break the deadlock over the process. Thirdly, the international community is unable to contribute genuinely to a solution for the simple reason that there is no international interest in the conflict.

Within the United Nations, the lack of political momentum clearly reveals the divergence of intentions between states within the UNSC or the UNGA or even the upcoming rounds of negotiations. Under James Baker, the conflict tested his imagination and patience from 1997 to 2004, by proposing a referendum which did not lead anywhere. His follower UN Secretary-General's personal envoy to Western Sahara, Peter Van Walsum, resigned in only three years because he believed that independence was not a viable solution. Then, he was replaced by Christopher Ross, who after several meetings to discuss new proposals brought up by the parties in 2007, did not succeed in making headway on the issue.

With the new appointment of the UN chief in January 2017, Antonio Guterres, as well as the new UN Personal Envoy for Western Sahara, Horst Kohler, there should be a need to implement a realistic vision to bring this conflict to an end. Much may be learned from former UN diplomats' approaches which did not lead the dossier of the Western Sahara to any major political solution, and from the UNSC stubbornness to stick to unworkable mechanisms, such as self-determination leading to independence. The latter, when applied through the UN to some conflict zones, brought chaos and instability to the citizens, such as the case of South Sudan. Lastly, the UN mediation roles in this conflict should be redefined in light of current developments in Morocco and the threats that the refugees in Tindouf camps can have on the stability and security of the region and the whole world.

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