

CRS Report for Congress

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Western Sahara: The United Nations Shifts Course

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Summary

Since the 1970s, Morocco and the independence-seeking Popular Front for the Liberation of Saqiat al Hamra and Rio de Oro (Polisario) have vied for control of the Western Sahara, a former Spanish territory. In 1991, the United Nations arranged a cease-fire and proposed a settlement plan that called for a referendum to allow the people of the Western Sahara to choose between independence and integration into Morocco. A long deadlock on determining the electorate for a referendum ensued. Since 2001, the U.N. Secretary-General has unsuccessfully offered several alternatives to the unfulfilled settlement plan. A resolution of the protracted dispute does not appear likely in the near future. It has impeded bilateral cooperation between Algeria and Morocco as well as wider regional cooperation. The United States has supported U.N. efforts and a solution that would not destabilize its ally, Morocco. Congress has supported a referendum and is frustrated by delays. This report will be updated if developments warrant. See also CRS Report RS21579, *Morocco: Current Issues*, and CRS Report RS21532, *Algeria: Current Issues*.

History

The territory now known as the Western Sahara became a Spanish possession in 1881. In the mid-1970s, Spain prepared to decolonize the region, intending to transform it into a closely aligned independent state after a referendum on self-determination. Morocco and Mauritania opposed Spain's plan and each claimed the territory. Although their claims were based on the conquests of past empires, the Western Sahara's valuable phosphate resources and fishing grounds may also have motivated them.¹ At Morocco's initiative, the U.N. General Assembly referred the question to the International Court of Justice (ICJ). But, on October 12, 1975, the ICJ ruled in favor of the self-determination of the Sahrawi people. In response, on November 6, 1975, King Hassan II of Morocco launched a "Green March" of 350,000 unarmed civilians to the Western Sahara to claim

¹ The possibility of offshore oil and gas discoveries surfaced years after the conflict began and probably reinforces Morocco's desire to retain control of the Western Sahara.

the territory. Spanish authorities halted the marchers, but on November 16, Spain agreed to withdraw and transfer the region to joint Moroccan-Mauritanian administration.

The independence-seeking Popular Front for the Liberation of Saqiat al Hamra and Rio de Oro, or Polisario, founded in 1974, forcefully resisted the Moroccan-Mauritanian takeover. In the 1970s, about 160,000 Sahrawi had left the Western Sahara for refugee camps in Algeria and Mauritania. With Algeria's support, the Polisario established its headquarters in Tindouf, in southwest Algeria, and founded the Sahrawi Arab Democratic Republic (SADR) in 1976. Mauritania could not sustain a defense against the Polisario and signed a peace treaty with it, abandoning all claims in August 1979. Morocco then occupied Mauritania's sector and, in 1981, began to build a berm or sand wall to separate the 80% of the Western Sahara that it occupied from the Polisario and Sahrawi refugees. Morocco's armed forces and Polisario guerrillas fought a long war in the desert until the U.N. arranged a cease-fire and proposed a settlement plan in 1991.

U.N. Security Council Resolution 690 (April 29, 1991) established the United Nations Mission for the Organization of a Referendum in the Western Sahara (MINURSO). In the planned referendum, the Sahrawi people were to choose between independence and integration into Morocco. However, for the next ten years, Morocco and the Polisario differed over the identification of an electorate for the referendum, with each seeking to ensure a voter 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 participate in the referendum, while Morocco argued that thousands more who had not been counted in 1974 or who had fled to Morocco previously should participate.

In March 1997, U.N. Secretary-General Kofi Annan named former U.S. Secretary of State James A. Baker III as his Personal Envoy to break the deadlock. In September 1997, Baker brokered an agreement in Houston to get the voter identification process restarted. The process was completed in 1999 with 86,000 voters identified. MINURSO then faced over 130,000 appeals by those denied identification as voters who are supported by Morocco. In May 2000, the Security Council asked the parties to consider alternatives to a referendum.² The U.N. later concluded that processing appeals could take longer than the initial identification process. Further, the U.N. judged that effective implementation of the settlement plan would require the full cooperation of Morocco and the Polisario, and the support of Algeria and Mauritania. But, because Morocco and the Polisario would each cooperate only with implementation that would produce its desired outcome, full cooperation would be difficult or impossible to obtain. Even if a referendum were held, the U.N. said that it lacked a mechanism to enforce the results.

Other unresolved issues include the repatriation of refugees still living in camps in Algeria and Mauritania and of aging Moroccan prisoners of war held by the Polisario, many for over 20 years. In 2003, the Polisario has released 543 POWs, but it still holds 614. The cost of MINURSO from its inception through August 2003 was \$511.4 million.

² U.N. Security Council, *Report of the Secretary-General on the Situation Concerning Western Sahara*, May 22, 2000; S/Res/1301 (May 31, 2000).

Political Changes in Morocco and Algeria

King Mohammed VI ascended to the throne of Morocco upon the death of his father in July 1999 and has since appeared to have hardened Morocco's claim to the Western Sahara. On April 21, 2001, Mohammed VI suggested decentralized administration of the Sahara from Rabat as the best option.³ In March 2002, he visited the region and announced the creation of a special agency for development of "the provinces of the south." In November 2002, the King dismissed the idea of a referendum as "out of date since it cannot be implemented" and maintained that the international community was responding more and more to Morocco's view that a political solution must respect its territorial integrity.⁴

Abdelaziz Bouteflika became President of Algeria in April 1999. He did not pay much attention to the Western Sahara initially, raising the possibility of waning Algerian support for the Polisario. Then, in 2001, Algeria prevailed upon the Polisario to back away from its threats of war over a car race that would transit the Western Sahara without its permission and appear to recognize Moroccan dominion over the region. Then, no high-ranking Algerian military figure attended the SADR's "25th anniversary" celebration. As a result, some at the U.N. may have concluded that Algiers was ready for a compromise.

New U.N. Ideas

On June 20, 2001, the Secretary-General submitted a report on the Western Sahara situation, differing from its predecessors in its approach.⁵ It proposed a framework agreement to confer on the population of the Western Sahara the right to elect executive and legislative bodies and to have exclusive competence over local government and many functional areas. The executive would be elected by voters identified as of December 1999, i.e., by an electorate favoring the Polisario and excluding Moroccan-supported appellants. Morocco would have exclusive competence over foreign relations, national security, and defense. A referendum on final status would be held within 5 years. The sole criterion for voting then would be one-year residence in the Western Sahara. Annan expressed hope that Morocco, the Polisario, Algeria, and Mauritania would negotiate changes acceptable to all. During these discussions, the settlement plan would be put on hold, not abandoned.

Algerian officials found that the draft framework agreement favored integration of the Western Sahara into Morocco. Polisario Secretary-General Mohammed Abdelaziz said that anything other than independence meant integration with Morocco and did not want to discuss the framework. The Polisario submitted proposals to overcome obstacles preventing a referendum. The U.N. responded that they did not remedy the U.N.'s inability to implement measures unless both parties agree. In other words, they did not

³ "Decentralization Fairest Option to Overcome Sahara Problem," Moroccan news agency *MAP*, April 21, 2001.

⁴ "Moroccan King Buries W. Sahara Referendum Idea," *Reuters*, November 7, 2002.

⁵ U.N. Security Council, *Reports of the Secretary-General on the Situation Concerning the Western Sahara*, S/2001/613, June 20, 2001, and S/2002/41, January 10, 2002.

address the political stalemate. Morocco later said that although not fully satisfied with the framework agreement, it “would implement the resolution in good faith.” On June 29, 2001, the Security Council endorsed the Secretary-General’s report.

After Baker met representatives of Algeria, Mauritania, and the Polisario in August 2001, the Secretary-General concluded, “Despite their assertions to the contrary, the parties have not been willing to fully cooperate ... either to implement the settlement plan or to try to negotiate a political solution.” He proposed four options for the Security Council to consider: 1) implementation of the settlement plan without the concurrence of both parties; 2) revision of the draft framework agreement also without the concurrence of the parties; 3) discussion by the parties of a possible division of the territory and, if that fails, submission of a proposal for division to the Security Council for it to propose to the parties on a non-negotiable basis; or 4) termination of MINURSO.⁶ The Secretary-General, on his and Baker’s behalf, expressed palpable frustration and skepticism regarding the parties’ political will to resolve the conflict and truly cooperate with the U.N.’s efforts. On February 27, 2002, Baker admitted that the Council did not favor ending the mission because it had kept the peace for an extended period of time.⁷ Morocco rejected territorial partition as harmful to its territorial integrity and leading to the creation of a micro-state under the protection of Algeria to fulfill Algeria’s dreams of access to the Atlantic Ocean.⁸ Algeria denied that it was behind the idea, and declared that it, too, rejected partition.

In January 2003, Baker presented a revised draft peace plan termed a compromise that “does not require the consent of both parties at each and every stage of implementation.”⁹ It would lead to a referendum in 4 to 5 years, in which voters would have three choices: integration with Morocco, autonomy, or independence. Voters would be those Sahrawis at least 18-years of age on the provisional voter list of December 1999, on the U.N. Office of the High Commissioner for Refugees repatriation list as of October 2000, or continuously resident in the Western Sahara since December 30, 1999. The U.N. would determine those eligible to vote, without appeal. In the interim period, a Western Sahara Authority would be responsible for local government, and Morocco would be responsible for foreign relations, national security, and defense. The plan detailed legislative and judicial functions. Morocco objected to the plan, questioning the priority given to the referendum and the lack of adequate subordination of the interim authorities to those of Morocco. Moroccan Foreign Minister Mohammed Benaissa objected to turning over control during the interim period to what he termed the “minority” Polisario at the expense of the “majority of the residents,” and asked why the U.N. was reviving the referendum option, which had not succeeded in the past.¹⁰ Algeria presented specific comments, concluding that the plan was a “gamble” that should be

⁶ Ibid.

⁷ “U.N. to Stay Involved in W. Sahara Dispute,” *Reuters*, February 27, 2002.

⁸ “Morocco Rejects W. Sahara Partition,” *Reuters*, February 20, 2002.

⁹ U.N. press release, June 2, 2003. The plan is in annex II of the U.N. Security Council, *Report of the Secretary General on the situation concerning the Western Sahara*, S/2003/565, May 23, 2003.

¹⁰ “Morocco Says ‘Nothing New’ in Algeria’s Statements on Western Sahara,” *Al-Jazeera TV*, July 17, 2003, transmitted by BBC Monitoring Middle East-Political.

taken. At first, the Polisario objected in detail to the allocation of too much power to Morocco and again sought to revive the settlement plan. In July, however, the Polisario surprisingly accepted the plan, but Morocco officially rejected it. Instead, Morocco said it was willing to engage in a dialogue with all parties to reach a “realistic” political solution. U.N. Security Council Resolution 1495 (July 31, 2003) called on the parties to work with the U.N. and with each other toward acceptance and implementation of the plan. The Secretary General’s October 16 Report to the Council urged Morocco to accept and implement the plan.¹¹ U.N. Security Council Resolution 1513 (October 29, 2003) extended the mandate of MINURSO for three months. The Secretary General said that the extension would give Morocco more time to consider the peace plan before giving its final response. Morocco strongly objected to the Secretary General’s Report because negotiations anticipated in Resolution 1495 have not taken place. However, Algeria declines to engage in negotiations because, it maintains, it is not a party to the conflict.

Prospects

Morocco’s response to the 2003 Baker plan and subsequent official statements indicate a hardening of its positions and a diminished willingness to compromise at the same time that Algeria and the Polisario appear more ready to compromise. In other words, the parties appear to be moving in opposite directions, making even an interim agreement unlikely in the near term.

The Polisario remains unable to mount a renewed military campaign without the aid and presumably the permission of Algeria, which are not expected. Algeria is focusing on its economy after years of fighting Islamist terrorists, who are still active albeit at a lower level than in the past. The Polisario is the underdog. It has between 3,000 and 6,000 soldiers to confront about 100,000 Moroccan troops stationed in the Western Sahara. The Moroccan army has a strength of 175,000, with 150,000 more in reserves.¹² With civilian support services, the Moroccan presence in the Western Sahara may total 300,000.

As long as the Western Sahara issue is unresolved, relations between Morocco and Algeria will not be fully normalized. Algeria has repeatedly indicated that it would be willing to develop bilateral relations without a resolution to the Western Sahara conflict, but Morocco insists that the Western Sahara is too important an issue for it to set aside. Strained Moroccan-Algerian relations make the outlook bleak for wider North African cooperation.

The lack of resolution of the Western Sahara issue complicates efforts to improve human rights in Morocco. Media which criticize or publish others’ criticisms of Morocco’s claim to the region are censored in line with a press code which bans the publication of material detrimental to national integrity. Two newspapers were banned after publishing an interview with Polisario leader Mohammed Abdelaziz in 2000. About

¹¹ U.N. Security Council, *Report of the Secretary-General on the Situation Concerning Western Sahara*, October 16, 2003.

¹² The International Institute of Strategic Studies, *The Military Balance 2003-2004*. Press reports generally estimate the Polisario’s strength at 15,000 fighters. See, e.g., Karen Thomas, “Can Baker Break the Deadlock?” *The Middle East*, September 2000.

300 Sahrawi are still “missing” due to the conflict from 1976 to 1991. Moroccan authorities remain suspicious of Sahrawi in their country who engage in demonstrations and only allow Sahrawi to return from outside if they pledge allegiance to the throne.¹³ Prosecutions of Sahrawi are conducted with little due process.

United States Policy

The United States has supported the U.N. settlement plan and Secretary Baker’s efforts. Support has always been given in the context of valued U.S.-Moroccan relations. U.S. officials view Morocco as a moderate Arab ally that has played a useful role in the Israeli-Palestinian peace process and is making an effort to democratize. They would prefer a solution to the Western Sahara dispute that would not destabilize Mohammed VI’s rule. Those who believe that a defeat in a U.N. referendum would destabilize the regime note that Hassan II had generated considerable popular fervor for his claim to the Western Sahara and that it remains the single issue uniting many Moroccan political parties, other groups, and dissidents. Mohammed VI cannot ignore their views. In addition, the large and powerful Moroccan military has been strongly committed to the Western Sahara for many years. Although Mohammed VI has good relations with his armed forces, those same forces are unlikely to be satisfied with a solution that provides less than complete fulfillment of their mission. Reports alleging that the U.S. Administration has supported Baker’s development of a “third way” alternative to the win or lose referendum long before it was officially presented, therefore, are credible.¹⁴ The same reports suggest that the United States and France have promised increased international investment and aid to Algeria to restrain its opposition to the U.N.’s change in approach.

Congress has tended to support a referendum and some Members champion the Polisario. H.Res. 245, November 9, 1997, expressed the sense of the House in support of a free and fair referendum. P.L. 106-313, November 29, 1999, the Consolidated Appropriations Act for FY1999, required the State Department to report on the steps being taken by Morocco and the Polisario to ensure the holding of a free, fair, and transparent referendum. On September 13, 2000, the House International Relations Committee Subcommittee on Africa examined the peacekeeping operation in the Western Sahara. Chairman Royce expressed concern about supporting “missions with unachievable mandates,” and a desire to have the Administration assess which party is responsible for the failure of the referendum process. Other Members explicitly blamed Morocco and supported the Polisario’s demand for self-determination. In May 2002, Representatives Payne and Pitts circulated a letter calling on the Administration to back a referendum, tacitly criticizing the framework agreement.

¹³ U.S. State Department, Bureau of Democracy, Human Rights, and Labor, *Country Report on Human Rights Practices 2000 - Morocco*, February 26, 2001.

¹⁴ Paul Taylor, U.N. Envoy Presses “Third Way” on Western Sahara, *Reuters*, June 26, 2000.