



Western Sahara

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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, at times violently, for control of the Western Sahara, a former Spanish colony. In 1991, the United Nations (U.N.) 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. The U.N. then unsuccessfully suggested alternatives to the unfulfilled settlement plan and later called on the parties to negotiate. In April 2007, Morocco offered a plan for increased regional autonomy under Moroccan sovereignty. The Moroccan government and the Polisario have met under U.N. auspices since 2007, but have made no progress on a settlement due to an apparent unwillingness to compromise. U.N. Special Envoy Christopher Ross, a U.S. diplomat, has convened informal talks and—more recently—initiated shuttle diplomacy between Morocco, the Polisario, and regional and European leaders.

Morocco controls roughly 80% of the disputed territory and considers the whole area part of its sovereign territory. In line with his autonomy initiative, Morocco's King Mohammed VI has pursued policies of decentralization that he says are intended to empower residents of his Saharan provinces. The Polisario has a government in exile, the Saharawi Arab Democratic Republic (SADR), which is hosted and backed by neighboring Algeria. The Western Sahara issue has stymied Moroccan-Algerian bilateral relations, Moroccan relations with the African Union, and regional cooperation on economic and security issues. International attention to the issue appears to have increased over the past year amid growing concerns over regional terrorist threats.

The United States has not recognized the SADR or Moroccan sovereignty over the Western Sahara. The United States has supported the U.N. mediation effort, has referred to the Moroccan autonomy proposal as “serious, realistic, and credible,” and has urged the parties to negotiate a mutually acceptable solution—an outcome that would not destabilize its ally, Morocco. The United States contributes funds, but no manpower, to the U.N. Mission for the Organization of a Referendum in the Western Sahara (MINURSO). MINURSO was initially focused on organizing a referendum, but its role now is to monitor the 1991 cease-fire. MINURSO's current mandate expires on April 30, 2013. The U.N. Secretary-General recently urged diplomats to focus on resolving the Western Sahara issue because the standoff is impeding international responses to growing security threats in the region. The Secretary-General also recommended including human rights monitoring in MINURSO's mandate, which Morocco adamantly opposes.

Morocco and the Polisario, and advocates on both sides, regularly appeal to Congress to support their positions. Some Members of Congress support an independence referendum and are frustrated by delays, while others support Morocco's position and the autonomy initiative. Congress has periodically required executive branch reporting on human rights in Western Sahara as a condition for allocating certain security assistance for Morocco, including in the FY2012 Consolidated Appropriations Act (P.L. 112-74), as amended and extended via continuing resolutions. The conference report on P.L. 112-74 states that bilateral economic aid for Morocco “may be used in regions and territories administered by Morocco,” an apparent reference to the Western Sahara. It has been U.S. policy that funds for Morocco may not be used for programming in Western Sahara, as this would tacitly accept Moroccan sovereignty. See also CRS Report RS21579, *Morocco: Current Issues*, by Alexis Arieff.

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Background

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 historic empires, the Western Sahara's valuable phosphate resources and fishing grounds also may have motivated them.¹ At Morocco's initiative, the U.N. General Assembly referred the question to the International Court of Justice (ICJ). However, on October 12, 1975, the ICJ found no tie of territorial sovereignty between Morocco and the Western Sahara. 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 it. 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 Sahrawis (used to refer to the "indigenous" people of Western Sahara) 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 building a "berm," or sand wall, to separate the 80% of the Western Sahara that it occupied from the Polisario and the Sahrawi refugees. Morocco's armed forces and Polisario guerrillas fought a long war in the desert until the United Nations (U.N.) arranged a cease-fire and proposed a settlement plan in 1991.

U.N. Security Council Resolution 690 (1991) established the United Nations Mission for the Organization of a Referendum in the Western Sahara (MINURSO) and called for a referendum to offer a choice between independence and integration into Morocco. However, over the next decade, Morocco and the Polisario differed over how to identify voters for the referendum, with each seeking to ensure an electoral roll that would support its desired outcome. In March 1997, then-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. Baker brokered an agreement to restart voter identification, which was completed in 1999 with 86,000 voters identified. MINURSO then faced over 130,000 appeals by individuals, backed by Morocco, who were denied voter identification.

U.N. Security Council Resolution 1301 (2000) asked the parties to consider alternatives to a referendum. The U.N. concluded that processing appeals could take longer than the initial identification process and that effective implementation of the settlement plan would require the full cooperation of Morocco and the Polisario, and the support of Algeria and Mauritania. 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. The U.N. also stated that it lacked a mechanism to enforce the results of a referendum.

¹ The possibility of oil and gas reserves (as yet unproven) off the Atlantic coast surfaced years later and has probably increased both sides' desire for the region.

Figure I. Western Sahara, MINURSO, and Refugee Camp Sites



Source: CRS graphics

The Baker Plan and Subsequent Settlement Efforts

The Secretary-General's June 2001 *Report on the Western Sahara* proposed a framework agreement, subsequently known as the Baker Plan, to confer on the population of the Western Sahara the right to elect executive and legislative bodies and to control a local government and many functional areas. The executive would be elected by voters identified as of December 1999, that is, by an electorate favoring the Polisario and excluding Moroccan-supported appellants. Morocco would control foreign relations, national security, and defense. A referendum on final status would be held within five years, with one-year residence in the Western Sahara then the sole criterion for voting. That electorate would favor Morocco by including its settlers as well as

native Sahrawis.² Annan hoped that Morocco, the Polisario, Algeria, and Mauritania would negotiate changes acceptable to all. After Baker met representatives of Algeria, Mauritania, and the Polisario, however, Annan, on his and Baker's behalf, doubted the parties' political will to resolve the conflict and cooperate with U.N. efforts.³ The Security Council could not agree on a new approach, and both sides (and Algeria) rejected partition.

In January 2003, Baker presented a compromise that did not require the consent of the parties.⁴ It would lead to a referendum in which voters would choose integration with Morocco, autonomy, or independence. Voters would be Sahrawis on the December 1999 provisional voter list, 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 (therefore including Moroccan settlers). The U.N. would determine the voters, without appeal. In the interim, a Western Sahara Authority would be the local government and Morocco would control foreign relations, national security, and defense.

Morocco objected, mainly questioning why the U.N. was reviving the referendum option; it also was upset by the use of the word "independence" instead of the vaguer "self-determination" to describe an option.⁵ In April 2004, Morocco declared that it would accept only autonomy as a solution.⁶ It called for negotiations only with Algeria, insisting that the Western Sahara is a bilateral geopolitical problem. Underlying these views was a rejection of any challenge to Morocco's physical possession of the territory. Algeria concluded that the Baker Plan was a "gamble" that should be taken and the Polisario accepted it, too, insisting on the right to choose self-determination in a referendum. Algeria declined to negotiate with Morocco, insisting that it is not a party to the dispute and not a substitute for the Sahrawis.

James Baker resigned as the Secretary-General's personal envoy in June 2004. U.N. referendum-related activities ceased, and the Baker Plan has not been mentioned in Security Council resolutions since then. In July 2005, Annan appointed Danish diplomat Peter van Walsum as his new envoy. Van Walsum indicated that he could not draft a new plan because Morocco would only endorse one that excludes independence, while the U.N. could not endorse a plan that excludes a referendum with independence as an option. He concluded that the remaining options were deadlock or direct negotiations. Since the former was unacceptable, responsibility rested with the parties. Van Walsum also reported that the Western Sahara was not high on the international political agenda and that most capitals sought to continue good relations with both Morocco and Algeria. Hence, they acquiesce in the impasse.⁷

Security Council Resolution 1754 (2007) called on Morocco and the Polisario to negotiate without preconditions on a political solution that will provide for the self-determination of the people of the Western Sahara. In 2007 and 2008, the two sides met and held consultations with

² U.N. Security Council, *Reports of the Secretary-General on the Situation Concerning Western Sahara*, S/2001/613, June 20, 2001, and S/2002/41, January 10, 2002.

³ *Ibid.*

⁴ U.N. press release, June 2, 2003. The plan is in annex II of the U.N. Security Council, *Report of the Secretary-General*, S/2003/565, May 23, 2003.

⁵ "Morocco Says 'Nothing New' in Algeria's Statements on Western Sahara," *Al-Jazeera TV*, July 17, 2003, via BBC Monitoring Middle East.

⁶ U.N. Security Council, *Report of the Secretary-General*, S/2004/325/Add.1, April 23, 2004, "Reply of the Kingdom of Morocco to Mr. Baker's Proposal Entitled 'Peace Plan for the Self-Determination of Western Sahara.'"

⁷ U.N. Security Council, *Report of the Secretary-General*, S/2006/249, April 19, 2006.

van Walsum four times at Manhasset, NY, but neither was willing to discuss the other's proposals—that is, Morocco's for autonomy and the Polisario's for a referendum. Algeria, Mauritania, and other interested countries were present. In April 2008, van Walsum stated that “an independent Western Sahara is not a realistic proposition,” prompting the Polisario to accuse him of bias in favor of Morocco, call for his replacement, and refuse to return to negotiations. Secretary-General Ban Ki-moon did not reappoint van Walsum in August 2008.

Moroccan and Algerian Views

Almost since independence (1956 for Morocco, 1962 for Algeria), Morocco and Algeria have competed for regional preeminence, and the Western Sahara is where the contest is now focused. The neighbors are rivals with different decolonization histories and political systems. Algeria emerged with a leftist orientation from a bloody anti-colonial revolution against France, while the centuries-old Moroccan monarchy survived relatively intact from a much less violent struggle. The Western Sahara issue has tended to unify Moroccans and reinforce support for the monarchy.

King Mohammed VI has strongly reasserted Morocco's claim to Western Sahara since he ascended to the throne in July 1999. Although the territory may be a financial liability due to the cost of Moroccan infrastructure investments and reported financial benefits provided to Moroccan settlers, its known and potential resources may be a long-term economic boon. Beyond their insistence on territorial integrity, Moroccan authorities also see the Western Sahara as a check on Algeria's regional ambitions being pursued via what they consider to be Polisario surrogates. In April 2001, the king suggested decentralization as the best option for the Sahara and, in November 2002, he declared that a political solution must respect Morocco's territorial integrity.⁸ Morocco has poured investment into the region, seemingly in an effort to reinforce its claim to sovereignty. On April 11, 2007, Morocco presented an autonomy plan for the Western Sahara under Moroccan sovereignty, without the prospect of independence, for negotiation to the U.N. Secretary-General.⁹ In July 2011, Morocco adopted a new constitution via referendum; the king has stated that the document's broad provisions on government decentralization and regional development constitute the basis for a just resolution of the Western Sahara issue.¹⁰

Algeria's President Abdelaziz Bouteflika, in office since 1999, is a former activist in the Algerian revolution against French colonial rule. He and his countrymen see the Western Sahara as one of the world's last decolonization campaigns. If the Polisario won control of the region, Algeria would also benefit by gaining access to the Atlantic Ocean. Should the issue simply simmer, it is still a low-cost way to keep Morocco militarily bogged down and diplomatically isolated in parts of Africa. While insisting that it is not a party to the conflict, Algeria has unwaveringly supported the Polisario's independence claims. Algeria and the Polisario reject the Moroccan autonomy plan

⁸ Reuters, “Moroccan King Buries W. Sahara Referendum Idea,” November 7, 2002.

⁹ Text accessible via <http://www.maec.gov.ma/>. The Polisario says it, too, had presented a proposal to the U.N. on April 7, 2007, calling on the U.N. to organize a referendum to allow the Sahrawi to choose among three options: independence, merger with Morocco, or autonomy. If they chose independence, then the Polisario offered to negotiate with Morocco to ensure its economic and security interests and deal with the issue of what the Front refers to as Moroccan “settlers.” “Polisario Front Head Favours Dialogue with Morocco, Denies Al-Qa'idah Presence,” Al-Jazeera TV, December 12, 2008, BBC Monitoring Middle East, December 14, 2008.

¹⁰ “Moroccan King Says New Draft Constitution 'Modern, Democratic,’” Rabat Al-Aoula Television in Arabic, June 17, 2011; via U.S. government Open Source Center; Maghreb Arab Press (MAP), “HM the King addresses the nation on 36th anniversary of Green March,” November 7, 2011.

and insist on a referendum on self-determination. With strong ties in Sub-Saharan Africa, Algiers may be partially responsible for the SADR's African Union (AU) membership and for many African governments' recognition of the SADR. Some Latin American governments also have recognized it. Morocco suspended its membership in the Organization for African Unity (OAU), the AU's predecessor, in 1984, over the OAU's recognition of the SADR; Morocco is therefore the only state on the continent not to be an AU member.

Recent Developments

U.S. diplomat Christopher Ross has served as the Personal Envoy of U.N. Secretary-General Ban Ki-moon on the Western Sahara since early 2009. Ross initially suggested that the parties hold small, informal preparatory meetings, and a first session was held in Vienna in August 2009. Ross continued to convene successive rounds of informal talks, but without any apparent concrete progress toward a settlement. Following the last round of informal talks, held in March 2012, Ross stated that "each party continued to reject the proposal of the other as the sole basis for future negotiations, while reiterating their willingness to work together to reach a solution."¹¹

In May 2012, Morocco announced it was withdrawing confidence in Ross, accusing him of giving "biased and unbalanced guidance."¹² While this initially appeared to threaten Ross's tenure, the U.N. Secretary-General publicly reaffirmed his support for Ross, who has continued in the position. Ross subsequently made his first visit to Moroccan-administered Western Sahara in October-November 2012, as part of a regional tour. He then announced that he was stopping informal talks in favor of "a new approach to move the negotiating process beyond the current stalemate."¹³ To date, this has involved: (1) widening his contacts beyond officials to include civil society members, political party leaders, and dissidents; (2) directly addressing Moroccan-Algerian relations in meetings in the two countries' capitals; and (3) initiating "shuttle diplomacy" between Morocco and the Polisario, following a series of consultations in Europe among an ad-hoc diplomatic coordination entity known as the "Group of Friends of Western Sahara." Ross has also recommended the expansion of U.N. High Commissioner for Refugees (UNHCR)-supported "confidence-building measures," such as family visits and phone communications between Western Sahara residents and the refugees. Whether these efforts have the potential to break the enduring stalemate remains to be seen.

United States Policy

The United States supported the U.N. settlement plan and the Baker Plan. It has not recognized Moroccan sovereignty over the Western Sahara or the SADR as a sovereign government. President George W. Bush expressed understanding of "the Moroccan people's sensitivity over the Sahara issue" and said that the United States did not seek to impose a solution.¹⁴ Then-U.S.

¹¹ Reuters, "Still No Breakthrough in Western Sahara Talks," March 13, 2012.

¹² The precise grounds were unclear, but came after a U.N. report criticizing human rights conditions in Moroccan-administered territory and Moroccan violations of the ceasefire agreement, and suggesting that Morocco may have intercepted communications between MINURSO and the U.N. headquarters in New York. See *Report of the Secretary-General on the situation concerning Western Sahara*, April 5, 2012, U.N. doc. S/2012/187.

¹³ *Report of the Secretary-General on the situation concerning Western Sahara*, April 8, 2013, U.N. doc. S/2013/220.

¹⁴ Message by President Bush to King Mohammed VI, MAP, via BBC Monitoring Middle East, December 3, 2003.

Under Secretary of State Nicholas Burns described Morocco's 2007 autonomy plan as "a serious and credible proposal," and the State Department has since urged the parties to focus on establishing a mutually acceptable autonomy regime in their negotiations.¹⁵ In November 2009, during a visit to Morocco, then-Secretary of State Hillary Clinton stated that there had been "no change" in U.S. policy on Western Sahara under President Barack Obama—that is, that the United States supports the U.N.-led mediation effort and will not stake out positions about how U.N. mediation might best resolve the issue.¹⁶

In an appearance with then-Moroccan Foreign Minister Fassi Fihri in 2011, Clinton referred to Morocco's autonomy plan as "serious, realistic, and credible—a potential approach to satisfy the aspirations of the people in the Western Sahara to run their own affairs in peace and dignity." She also reiterated U.S. support for the U.N.-backed talks aimed at "resolving this issue." In public remarks with Algerian Foreign Minister Mourad Medelci in January 2012, Clinton stated, "We continue to support efforts to find a peaceful, sustainable, mutually agreed upon solution to the conflict. We support the negotiations carried out by the United Nations, and we encourage all parties, including Algeria, to play an active role in trying to move toward a resolution." Similar wording was used in a joint U.S.-Morocco statement released in September 2012.¹⁷

U.S. support for the U.N. peace effort is given in the context of valued U.S.-Moroccan relations. U.S. officials view Morocco as a key regional ally, counterterrorism partner, constructive player in Middle East policy, and leader in Arab efforts to reform and democratize. U.S. officials would prefer a solution to the Western Sahara dispute that would not destabilize Mohammed VI's rule. They also believe that a settlement would enhance regional stability and economic prosperity.

Support for U.N. Peacekeeping Mission (MINURSO)

MINURSO was most recently re-authorized under U.N. Security Council Resolution 1979, on April 27, 2011. As of February 2012, the mission comprised 233 uniformed personnel and 101 international civilian personnel. The United States does not contribute personnel to MINURSO, but assists in funding the mission under the U.N. system for assessed contributions. The United States allocated \$16.7 million in FY2012 for MINURSO through the State Department's Contributions to International Peacekeeping Activities (CIPA) account. The FY2013 estimated contribution is \$16.5 million; the State Department has requested \$17.5 million for FY2014.¹⁸ Current U.S. Ambassador to the U.N. Susan Rice appears to have agreed, to date, with the U.N. view that MINURSO has effectively maintained the cease-fire and should therefore be continued.

Congressional Activities

Many Members of Congress have endorsed Morocco's position on the Western Sahara, including its autonomy initiative. Others support a referendum and/or are concerned about human rights and

¹⁵ "'Serious and Credible,' in Washington's Own Words," <http://www.autonomyplan.org>—which appears to be an official Moroccan government website—and U.S. State Department, response to press question, May 2, 2008.

¹⁶ Voice of America, "Clinton Stands By UN Mediation for Western Sahara," November 6, 2009.

¹⁷ State Department, "Remarks with Moroccan Foreign Minister Taieb Fassi Fihri," March 23, 2011; "Remarks With Algerian Foreign Minister Mourad Medelci," January 12, 2012; and "Joint Statement of the First Session of the U.S.-Kingdom of Morocco Strategic Dialogue," October 2012.

¹⁸ State Department, *FY 2014 Executive Budget Summary*, April 10, 2013.

political freedoms in the territory. Congressional concerns over human rights and the Western Sahara issue have sometimes been stated in annual foreign aid appropriations legislation. The FY2012 Consolidated Appropriations Act (P.L. 112-74, December 23, 2011) states that, prior to the obligation of Foreign Military Financing (FMF) funds for Morocco, “the Secretary of State shall submit a report to the Committees on Appropriations on steps being taken by the Government of Morocco to (1) respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document violations of human rights; and (2) provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.” Similar reporting requirements were included in the conference report on the FY2010 Consolidated Appropriations Act (P.L. 111-117), in an explanatory statement accompanying the FY2009 Omnibus Appropriations Act (P.L. 111-8), and in the FY2008 Consolidated Appropriations Act (P.L. 110-161).

The conference report on P.L. 112-74 states that: “The conferees note that funds provided in title III of this Act [bilateral economic assistance] for Morocco may be used in regions and territories administered by Morocco. The conferees remain concerned with resolving the dispute over the Western Sahara and urge the Department of State to prioritize a negotiated settlement.” It has been U.S. policy that bilateral assistance funds for Morocco may not be used for programming in Western Sahara because allowing this could tacitly acknowledge Moroccan sovereignty. The conference provision appears unlikely to lead to a change in this policy.

In August 2004, then-U.S. Senator Richard Lugar led a mission to the region that resulted in the release of 404 Moroccan prisoners of war who had been held for years by the Polisario.

Human Rights Issues

Within Morocco and Moroccan-administered Western Sahara, direct criticism of the monarchy’s stance on territorial sovereignty is not tolerated. This, along with the sometimes violent suppression of protests in the region and de facto restrictions on access by some independent human rights researchers and independence advocates, has contributed to concerns over freedom of expression, association, and assembly. At the same time, Morocco’s King Mohammed VI has made efforts to publicly account for severe human rights abuses committed in the region under the rule of his father, King Hassan II, and to compensate victims, through a 2004 “Equity and Reconciliation Commission.”¹⁹ Rights advocates have also expressed concern over freedom of expression and of movement in the Polisario-administered refugee camps in Tindouf, Algeria.²⁰

¹⁹ Rights advocates, while welcoming the Commission as an important precedent in the Arab world, contend that some of the Commission’s recommendations related to enhancing the rule of law have not been implemented, that senior officials accused of serious abuses before the Commission should have been prosecuted, and that abuses in Western Sahara received insufficient attention. See Amnesty International, *Broken Promises: The Equity and Reconciliation Commission and Its Follow-Up*, January 2010.

²⁰ See, e.g., Human Rights Watch (HRW), *Human Rights in Western Sahara and in the Tindouf Refugee Camps*, December 19, 2008, which concluded that in Moroccan-administered Western Sahara, “the right of persons to speak, assemble, and associate on behalf of self-determination for the Sahrawi people and on behalf of their human rights is repressed by Moroccan authorities... through laws penalizing affronts to Morocco’s ‘territorial integrity,’ through arbitrary arrests, unfair trials, restrictions on associations and assemblies, and through police violence and harassment that goes unpunished.” With regard to the refugee camps, the report concluded that “at the present time, the Polisario effectively marginalizes those who directly challenge its leadership or general political orientation, but it does not imprison them. It allows residents to criticize its day-to-day administration of camp affairs. In practice, camp residents are able to leave the camps, via Mauritania, if they wish to do so. However, fear and social pressure keeps those who (continued...) ”

However, perhaps due to the logistical difficulties of accessing the camps, there are few recent independent, detailed reports on conditions there.

The State Department issues an annual report on human rights practices in Western Sahara, separate from its country report on human rights in Morocco. Its most recent report refers to “limitations on the freedom of speech and assembly, the use of arbitrary detention to quell dissent, and physical and verbal abuse of detainees during arrests and imprisonment,” along with “widespread impunity” for officials who commit abuses and corruption among the security forces and the judiciary. At the same time, the report states that “human rights conditions in the [Moroccan-controlled] territory tended to converge with those in the kingdom.”²¹

In 2012, the U.N. Special Rapporteur on Torture reported that, in Moroccan-administered Western Sahara, “torture and ill-treatment were used to extract confessions,” that “protesters were subjected to excessive force by Moroccan law-enforcement officials,” and that “the testimonies received indicate that members of the Sahrawi population are specifically, but not exclusively, victims of such violations.”²²

Human rights concerns continue to be reported in connection with clashes in November 2010 in the Moroccan-administered regional capital, Laayoune (alt: El Ayoun or Al Ayun), following the Moroccan security forces’ forcible dismantling of a Sahrawi protest camp in a location known as Gdim Izik. According to Human Rights Watch, following the initial confrontations, Moroccan security forces detained hundreds of Sahrawis and reportedly participated, along with Moroccan civilians, in “retaliatory” attacks on civilians and homes.²³ Moroccan authorities reject these depictions and contend that violence was orchestrated by Polisario members. In March 2013, a military court sentenced 25 Sahrawis to lengthy prison terms in connection with the Gdim Izik incidents. This prompted criticism from international human rights groups that the defendants were denied due process, that their confessions may have been extracted under torture, and that civilian trials should not be carried out before military courts.²⁴ The Moroccan National Human Rights Council, created in 2011 as part of political reforms, monitored the trial and concluded that it had generally respected procedures, while noting complaints of detainee mistreatment and recommending that civilians should not be prosecuted in a military court.²⁵

In April 2013, the U.N. Secretary-General called for MINURSO’s mandate to include a human rights monitoring component, an idea that has previously been supported by rights advocates and some diplomats. Morocco, backed by its ally, France (a permanent U.N. Security Council member), strongly opposes such a role for MINURSO; Morocco argues that domestic groups can adequately report on human rights problems in Moroccan-administered areas. The 2012 U.N.

(...continued)

plan to resettle in Western Sahara from disclosing their plans before leaving.” See also Robert F. Kennedy (RFK) Center for Justice & Human Rights, *Robert F. Kennedy International Delegation Visit to Morocco Occupied Western Sahara and the Refugee Camps in Algeria*, September 3, 2012. Morocco has rejected and disputed elements of HRW reports, and views the RFK center as biased in favor of the Polisario.

²¹ State Department, “Western Sahara,” 2011 Country Reports on Human Rights Practices, May 24, 2012.

²² *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Mission to Morocco, February 28, 2013, U.N. doc. A/HRC/22/53/Add.2.

²³ HRW, “Western Sahara: Beatings, Abuse by Moroccan Security Forces,” November 26, 2010.

²⁴ HRW, “Morocco: Tainted Trial of Sahrawi Civilians,” April 2, 2013.

²⁵ *Report of the Secretary-General on the situation concerning Western Sahara*, April 8, 2013, U.N. doc. S/2013/220. The report states that King Mohammed VI endorsed the recommendation regarding military courts.

Security Council resolution that last renewed MINURSO's mandate instead "stress[es] the importance of improving the human rights situation in Western Sahara and the Tindouf camps, and encourag[es] the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights."²⁶

Security Concerns

In October 2011, three European aid workers were kidnapped from the Polisario-administered refugee camps in Tindouf, Algeria. The Movement for Unity and Jihad in West Africa (MUJWA), a splinter faction of the regional criminal and terrorist network Al Qaeda in the Islamic Maghreb (AQIM) claimed responsibility.²⁷ Concerns over terrorism and insecurity in north-west Africa have since escalated with the reported spike in regional arms and combatant flows after the fall of the Qadhafi regime in Libya; the expanded control and influence of AQIM and associated groups in northern Mali in 2012; and violent attacks on U.S. facilities and personnel in Libya, Tunisia, and Algeria. Generally, a complex array of violent extremist groups have emerged in the region and appear to be pursuing varied aims.

Some analysts report that AQIM and associated groups are working to expand their recruitment and involvement in smuggling operations in the refugee camps.²⁸ Several individuals of Sahrawi descent appear to be active in MUJWA. Moroccan officials and some analysts regularly cite fears that an independent Western Sahara would be a weak state vulnerable to terrorist and criminal infiltration; some supporters of Morocco contend that the Polisario itself has links to AQIM.²⁹ The Polisario disputes this characterization, and has, for its part, accused the Moroccan security services of supporting terrorist and criminal networks.³⁰ In April 2012, State Department Coordinator for Counterterrorism Daniel Benjamin testified before Congress, in response to a question on this topic, "I've seen reports of al-Qaeda involvement in Polisario camps and whenever we have dug deeper we have found that those reports were spurious."³¹

Outlook

In April 2013, the U.N. Secretary-General reported to the Security Council that "the rise of instability and insecurity in and around the Sahel requires an urgent settlement of this long-standing dispute," and urged the international community to address the situation in Western Sahara "as part of a broader strategy for the Sahel."³² However, these broader regional problems

²⁶ U.N. doc. S/Res/2044 (2012), April 24, 2012.

²⁷ The hostages were subsequently released, reportedly in exchange for European ransom payments and the release of several militants from prison in Mauritania.

²⁸ See, e.g., Anouar Boukhars, *Simmering Discontent in the Western Sahara*, Carnegie Endowment, March 2012. U.N. Envoy Ross alluded to this risk in a 2012 interview; see U.N. News, Interview with Christopher Ross, January 2012.

²⁹ See, e.g., Joseph K. Grieboski, "Congress Should Investigate Polisario's Terrorism Ties," *Roll Call*, April 4, 2013.

³⁰ CRS interviews with Polisario officials in the Tindouf refugee camps, April 2011; *El Watan* [Algiers], "Selon le ministre des Affaires étrangères sahraoui: Le Maroc derrière le kidnapping des diplomates algériens," March 27, 2013.

³¹ House Foreign Affairs Committee hearing on Instability in Africa, April 25, 2012.

³² *Report of the Secretary-General on the situation concerning Western Sahara*, April 8, 2013, U.N. doc. S/2013/220. The Sahel region is centered on the band of territory immediately south of the Sahara desert, including the states of Mauritania, Mali, Niger, and Chad.

have not made the sides more flexible in their respective positions. The Polisario continues to insist on self-determination through a referendum, while Morocco will not bend on its proposal for autonomy under Moroccan sovereignty. The degree of international leverage is uncertain. MINURSO's current mandate—to monitor the 1991 ceasefire—is therefore likely to continue to diverge from its original purpose of organizing a referendum in the disputed territory.

The Polisario periodically threatens a return to armed struggle, but it appears unable to resume a military campaign without the aid and presumably the permission of Algeria, which are not expected. Algeria is focusing on its economy and international image and is concerned about resurgent Islamist terrorism. It has nurtured closer ties with the United States, France, and Spain that would be strained if it allowed a return to violence over the Western Sahara. Moreover, some of the Polisario's threats may only be rhetoric to enable entrenched leaders to appease restive young militants. In any case, the Polisario is vastly outmatched by over 100,000 Moroccan troops reportedly stationed in the Western Sahara. With civilian support services, the Moroccan presence in the region may total 300,000. The Moroccan army has an estimated total strength of over 185,000, with 150,000 more personnel in reserves. The Polisario has instigated popular demonstrations for independence in the Western Sahara, but it has not resorted to terrorism that would cost it sympathy abroad, and denies all Moroccan allegations that it has links to Al Qaeda.

For its part, Morocco continues to insist that its autonomy proposal is the only basis for a solution to the conflict. Morocco cites its extensive state investments in the region, its broad commitment to political and governance reforms, and the fact that Sahrawis serve in government positions, as the best prospect for self-determination of the region's inhabitants. In December 2012, Morocco's Economic, Social, and Environmental Council (CESE)—a state-supported body—issued a detailed critique of Moroccan socio-economic development programs in Moroccan-administered Western Sahara, which may serve as the basis for changes in approach.³³ International investor interest in the territory also appears to be increasing, including related to offshore oil exploration, although the status of the territory under international law has complicated investor operations.³⁴

UNHCR, World Food Program, and international humanitarian organizations—funded by donors, including the United States—provide aid to the Sahrawi refugees in Tindouf. The camps, however, are administered by the Polisario, which has not permitted UNHCR to conduct a census of their inhabitants. This has led some observers to conclude that the total number of refugees

³³ The CESE reported that despite the high level of Moroccan state investment in infrastructure and socio-economic development in Western Sahara, high youth and female unemployment and ongoing social tensions were “real problems,” and stated that one could question “the pertinence, effectiveness, efficiency, and impact of public policies” to date. Kingdom of Morocco, Conseil Economique, Social et Environnemental, *Modèle de développement régional pour les provinces du Sud: Note de cadrage*, December 2012. Moroccan government support for the settler population has reportedly contributed to tensions along ethnic and political lines. See Boukhars, *Simmering Discontent in the Western Sahara*, op. cit.; and Driss Bennani, “Sahara. La bombe à retardement,” *TelQuel*, November 2011.

³⁴ In 2002, the U.N. Legal Counsel, in response to a query from the Security Council on the legality of contracts concluded by Morocco offshore Western Sahara, concluded that such activities are illegal “if conducted in disregard of the needs and interests of the people” of the “Non-Self-Governing Territory,” that is, Western Sahara. This determination is not readily enforceable, but has affected the calculations of private companies seeking to operate in the area. See *Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council*, February 12, 2002, U.N. doc. S/2002/161. On current resource management, see Kristen Chick, “In Remote Western Sahara, Prized Phosphate Drives Controversial Investments,” *Christian Science Monitor*, January 24, 2013, among others.

may be lower than reported, and that the Polisario may divert aid or use it as leverage to control the refugee population.³⁵ As noted, there are few available reports on conditions in the camps.

As long as the Western Sahara issue is unresolved, relations between Morocco and Algeria are unlikely to be fully normalized. The border between the two countries has been closed by Algeria since 1994. In 2011, senior leaders on both sides—including King Mohammed VI and President Bouteflika—repeatedly publicly stated a desire to improve bilateral relations. However, the practical implications of this nascent rapprochement have been limited. The Western Sahara dispute has rendered the Arab Maghreb Union, of which both Morocco and Algeria are members, largely inactive, despite efforts by the governments of the region, since 2011, to reinvigorate it.³⁶

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³⁵ See U.S. Committee for Refugees and Immigrants, *Stonewalling on Refugee Rights: Algeria and the Sahrawi*, 2009.

³⁶ The Arab Maghreb Union, including Algeria, Morocco, Tunisia, Libya, and Mauritania, was founded in 1989 to promote regional cooperation.