

Noref Briefing

March 2009

Western Sahara Info Brief

Background and current status

Western Sahara has been the site of active or frozen conflict since 1975. Spain, the colonial power until 1975, originally planned to organize a referendum on self-determination for the people of Western Sahara. Instead, in 1974, the UN General Assembly asked the International Court of Justice (ICJ) for an advisory opinion on the status of the territory. This was done at the request of Morocco and Mauritania, both of which forwarded territorial claims to Western Sahara. In October 1975, the ICJ decided that, although ties of allegiance existed between Western Sahara and both Morocco and Mauritania, ultimately these ties did not rise to the level of establishing territorial sovereignty or ownership of Morocco or Mauritania over Western Sahara. Shortly thereafter, Morocco launched a “Green March” into Western Saharan territory (November 1975), an action quickly followed by the signing of the Madrid Accords between Spain, Morocco, and Mauritania.

The Madrid Accords disregarded the ICJ’s ruling by signing over Western Sahara to Morocco and Mauritania. War subsequently broke out between the Frente Polisario, representing the Sahrawis, and Morocco and Mauritania. By the early 1980s, Mauritania relinquished its share of Western Sahara to Morocco; the country is currently divided by a Moroccan-built and mined sandwall (berm), with Moroccan-controlled territory west of the berm – crucially controlling all sea access – and Polisario-controlled, mainly desert territory east of the berm. Morocco currently controls approximately 80 percent of the territory of Western Sahara. There are approximately 30,000 Sahrawis living in the Polisario-controlled territory, and 100-150,000 Sahrawis living in the Moroccan-occupied territory. There are also approximately 250-300,000 Moroccan settlers living in the occupied territory, and a large (ca. 160,000) Sahrawi refugee population living in Polisario-administered refugee camps in Southern Algeria.

By the late 1980s the conflict had stalemated and, in 1988, the two sides agreed to hold a referendum on independence or integration into Morocco under UN auspices (The Settlement Plan). A UN-brokered ceasefire followed, and in 1991, the UN Mission for the Referendum in Western Sahara (MINURSO), was established to oversee the ceasefire and organize the referendum. However, the referendum has never been held, and the conflict remains stalemated. According to Peter van Walsum, the former SRSG for Western Sahara, there are two key reasons for the continuing impasse: the Security Council’s conviction that there must be a consensual solution to the Western Sahara question; and Morocco’s decision in April 2004 to refuse the possibility of a referendum with independence as an option, insisting on either integration or limited autonomy. Polisario will not accept a referendum that does not include independence, although it is willing to accept autonomy as an option on the referendum so long as independence is also an option. The fundamental positions of both sides are therefore incompatible,

making a consensual solution currently impossible. The latest rounds of negotiations between the parties, pursuant to Security Council Resolution 1754 (2007), have not produced results.

MINURSO: Mandate, status, and latest resolutions

First deployed in 1991, MINURSO's mandate is primarily to monitor the ceasefire and organize and conduct a referendum on Western Sahara's future status. MINURSO is a small mission, with approximately 185 military observers, 30 troops, fewer than 10 UN Police, and a civilian staff of almost 250 (95 international, 145 local). Resolution 1813 (April 2008) extended MINURSO's mandate until 30 April 2009, and called on both parties to continue negotiations.

In attempting to organize a referendum, a major part of MINURSO's work has been the identification and registration of qualified voters. This was a long, laborious, and contested process, owing to differing convictions as to who should be eligible to vote: Polisario favored a more limited list based on (and updating) the 1974, Spanish-conducted census, while Morocco favored a more expansive list with broader criteria for voting eligibility (including Moroccan settlers and other Moroccans with tribal links to Western Sahara) – both sides obviously preferring the voter roll it deemed most likely to result in a favorable referendum result. After a prolonged period of difficulties, in which consensus was never reached, the identification process was wound up in 2002. The provisional lists (completed in 2000) are now archived in a UN office in Geneva.

The UN continues to see the Western Sahara issue through the lens of decolonization, with reference to UN Resolution 1514 (1960), which declared the right of self-determination for all peoples. The Settlement Plan was a classic decolonization program. At the same time, the Security Council's unwillingness to impose a non-consensual solution – especially a solution deemed counter to Morocco's interests, which have consistently been safeguarded by the United States and France – has opened the institution to accusations of sacrificing international law and human rights to power politics.

Key issues

1. *Autonomy versus independence*: The main difference between the parties is that Morocco insists on an autonomy regime for Western Sahara (within the framework of a decentralized federal state of Morocco), while Polisario insists that full independence be an option in any self-determination referendum (with the other options of integration or autonomy). Morocco will not accept a referendum with independence as an option; Polisario will not accept a referendum without the independence option. Morocco's autonomy proposal, outlined in a letter to the Security Council of April 2007 (S/2007/206), has been favorably received by its key allies – the United States, France, and Spain – but is seen as a cynical move by countries sympathetic to the Sahrawi cause.
2. *Morocco, Algeria, and the struggle for regional hegemony*: The rivalry between Morocco and Algeria for regional leadership plays out in part through the Western Sahara issue. Algeria has long supported (and hosted) Polisario, and the drain to Morocco's resources of keeping a large portion of its military tied up in the territory is deemed to Algeria's advantage. Unlike Algeria, Morocco has consistently enjoyed the strong support of the United States and France, and has also enjoyed Spanish support;

however, Algeria's improved relationship with the United States may eventually give the Moroccan leadership less latitude on this issue than has previously been the case.

3. "Moroccanization": The influx of Moroccan settlers to Western Sahara, encouraged by the Rabat government, means that Moroccan citizens now outnumber the indigenous Sahrawi population by approximately 2:1. This explains the eagerness of the Moroccan government to ensure the inclusion of Moroccan citizens on the voter rolls, noted above. Moroccan settlers tend to have more political freedom and economic power than Sahrawis; much of Moroccan investment in the territory has been oriented towards its soldiers or settlers rather than Sahrawis; and discrimination by settlers against Sahrawis is seemingly commonplace.
4. The role of key allies – United States, France, and Spain: As noted above, the United States, France, and latterly Spain have been key and consistent allies of Morocco, and increasingly see its proposal of autonomy for Western Sahara (within a federal Moroccan state) as the only viable solution to the problem. Such a settlement, if taken under UN auspices, would presumably represent a departure from the longstanding UN position requiring a consensual solution. Two factors are particularly relevant in the strong support for Morocco: first, the United States in particular sees Morocco as an important ally in fighting global terrorism and in the Middle East peace process; second, Morocco is seen as a crucial partner for the European Union in attempts to control migration flows from Africa. Polisario has the support of Algeria, South Africa, and Nigeria, the African Union (of which Morocco is not a member), and some European and Latin American states.
5. Resource extraction and international business: The main resources of Western Sahara are fisheries and phosphate; there is also speculation that oil may be found off its coast. Both the fishing and phosphate industries are dominated by Moroccans, and are well integrated into international markets. Foreign businesses involved in resource extraction in Western Sahara, or partnerships with Moroccan companies in Western Sahara, can be accused of collaborating with an occupying power and may be considered in violation of international law. For example, in 2006, the European Commission and Morocco signed an agreement allowing EU vessels to fish in Moroccan waters; subsequently, European vessels were found to be fishing in Western Saharan waters (i.e. occupied waters), in violation of international law. In 2002, a UN legal adviser ruled a Moroccan contract for oil exploration to be illegal because Western Sahara was, according to the UN, still a non-self-governing territory. The Norwegian State Pension Fund subsequently divested itself of shares in the American oil company Kerr-McGee, which eventually declared that it would cease operations in Western Sahara. The Norwegian MFA advises Norwegian companies against operating in Western Sahara, but this advice does not have the force of law.
6. Human rights: Amnesty International (2008) notes continued limits on freedom of expression, association, and assembly; penalization of criticism of the Moroccan royal family and other politically sensitive speech; the arrest and prosecution of political activists, human rights activists, journalists, and members of an outlawed political grouping; alleged torture by security forces against those arrested; arrests and continued expulsion of migrants; and violence against women and criminalization of "homosexual conduct". Independent and Sahrawi human rights organizations are essentially forced to operate illegally. Non-state (i.e. private) discrimination against Sahrawis by Moroccans has also been widely documented. Moroccan journalists and activists that have spoken out for the Sahrawi case have also been punished within Morocco, where it is illegal to publicly support Western Saharan independence.

7. *Potential for renewed conflict*: Some analysts have argued that Sahrawi nationalism is on the rise, pointing to widespread protests in May 2005 in the occupied zone (referred to as the second Sahrawi *intifada*) and to a growing lack of patience with the Polisario leadership and approach. Other analysts, however, argue that a return to armed violence on the part of Polisario would be both suicidal and futile, and could spell the end of Algerian support for the movement. Of general concern, however, is the prospect of an increasing radicalization of Sahrawis born and raised in the refugee camps, particularly as the conditions in those camps continue to worsen over time and through international neglect.
8. *Norway's stance*: Norway has generally supported the Sahrawi cause and argued against actions that may legitimize the situation in Western Sahara. Norway has also supported humanitarian aid projects in the refugee camps and landmine clearance projects in the Polisario-controlled zone. Norway has not deviated from the UN's policy that a negotiated, consensual solution is the preferred means of settling the issue of Western Sahara.

(This Report has been written by Kathleen Jennings, Acting Deputy Director, NOREF).

Links and resources

The following sources were drawn upon in preparing this brief:

Amnesty International, *Amnesty International Report 2008: The State of the World's Human Rights*, Section on Morocco and Western Sahara, available at:

<http://thereport.amnesty.org/eng/regions/middle-east-and-north-africa/morocco-and-western-sahara>.

Center on International Cooperation, *Annual Review of Global Peace Operations*, 2008.

Erik Jensen, *Western Sahara: Anatomy of a Stalemate*, International Peace Academy Occasional Paper Series, 2005.

George Joffé, "Western Sahara: Conflict without end?", *Le Monde Diplomatique*, February 2009, available at: <http://www.peacebuilding.no/eng/Guest-Writers/2009/Western-Sahara-Conflict-Without-End>.

MINURSO, "United Nations Mission for the Referendum in Western Sahara: 1991 to today", Information Brief, available at: <http://www.un.org/Depts/dpko/missions/minurso/MINURSO.pdf>.

Norwegian Refugee Council, *Western Sahara: Occupied Country, Displaced People*, Thematic report, Issue 2/2008, 2008, available at: <http://www.nrc.no/?did=9258996>.

Maria J. Stephan and Jacob Mundy, "A Battlefield Transformed: From Guerrilla Resistance to Mass Nonviolent Struggle in the Western Sahara", *Journal of Military*

and *Strategic Studies*, Spring 2006, vol. 8, issue 3, available at: <http://nonviolent-conflict.org/PDF/JMSS-MStephan.pdf>.

Peter van Walsum, "Sahara's long and troubled conflict", *El Pais*, August 28, 2008, available at:
http://www.elpais.com/iphone/index.php?module=iphone&page=elp_iph_visornoticias&idNoticia=20080828elpepuint_5.Tes&NOSEC=SI.

United Nations Security Council, *Letter dated 11 April 2007 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council*, S/2007/2006, April 2007, available at:
<http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/MINURSO%20S2007206.pdf>.

United Nations Security Council, *Letter dated 16 April 2007 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council*, S/2007/210, April 2007, available at:
<http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/MINURSO%20S2007210.pdf>.

The following websites are also useful resources:

Støttekomiteen for Vest-Sahara (includes many useful links): <http://www.vest-sahara.no/index.php?dl=en>

MINURSO – DPKO page: <http://www.un.org/Depts/dpko/missions/minurso/>

MINURSO – mission homepage: <http://www.minurso.unlb.org/>.

Security Council Report: <http://www.securitycouncilreport.org/>

Western Sahara Resource Watch: <http://www.wsrw.org/>