

Western Sahara – Continuing Standoff

By Anna Theofilopoulou
May 16, 2007

Few topics on the United Nations agenda have been as divisive within and even outside the organization as that of Western Sahara. The Western Sahara question has hung unresolved over the world body since the 1970s, when a rebellion broke out against Morocco's attempt to annex the territory in the wake of Spain's withdrawal. Morocco eventually secured control by force of arms, but the Polisario Front, sheltering in Algeria, remains a force to be reckoned with. The 1991 UN Settlement Plan for Western Sahara had laid out two possible but polar opposite outcomes that would follow a UN-supervised referendum on self-determination: either the territory would be integrated into Morocco, or it would become independent. The referendum was initially slated for 1992, but was never held as the Kingdom of Morocco and Polisario (strongly supported by Algeria) have been maneuvering to assure that the electorate was defined in a way that would guarantee their side victory.

When James A. Baker, III resigned from his position as Personal Envoy of the Secretary-General in June 2004, he informed the Secretary General that there was nothing more he could do to resolve the conflict if the parties themselves were not willing to make the needed compromises. Since that time, the United Nations has been adrift in its work on Western Sahara; and based on the recent proposals, each side's idea of compromise continues to fall well short of the other side's position.

In April 2007, the new UN Secretary-General, Ban Ki-moon, as had his predecessor Kofi Annan, invited the parties to enter into negotiations under his auspices and without preconditions to achieve a mutually acceptable political solution. Although this would be the first time in seven years that the two sides would talk face-to-face, their positions do not bode well for a settlement. Morocco is offering limited autonomy for the region but under Moroccan sovereignty, while Polisario continues to insist that a referendum on self-determination be held, as envisaged in the 2004 Peace Plan for Self-determination of Western Sahara (Peace Plan) submitted by Baker, with independence as an option.

U.S. policymakers seem strongly tempted to back Morocco on the Western Sahara issue and allow the promised referendum to fade away as a possible solution. Such a policy appears realistic to them in view of Morocco's de facto control of the Western Sahara region and because they attach great importance to maintaining good relations with Morocco, which has positioned itself as a friend and ally in the Global War on Terror.

While this approach may appear realistic, however, it is mistaken. Any solution that ignores Algeria's interests will keep the Maghreb region divided and invite renewed conflict in the future, to the detriment of U.S. interests.

Getting to the current impasse

On June 1, 2004, Baker informed the Secretary-General that he wished to resign from his duties as his Personal Envoy, as he had done all he could to resolve the conflict. He pointed out that in the final analysis, only the parties themselves could exercise the political will necessary to reach an agreed solution, adding that the United Nations would not solve the problem of Western Sahara without requiring one or the other or both sides to do something they would not voluntarily agree to do.

Baker's resignation followed Morocco's rejection of the second Baker Peace Plan, which Baker had prepared after the Council had been unwilling to consider options he had developed for imposing a resolution without the consent of the parties concerned. The Council was loath to even ask the parties to accept a non-consensual option. (The first Baker Peace Plan had called for Western Sahara autonomy with Morocco controlling national security, defense and foreign policy but did not touch upon the options for the final status of the territory. It was rejected by Polisario.) In July 2002, the Security Council asked Baker to devise another political solution which would provide for self-determination for Western Sahara.

This resulted in the second Baker Plan, which Baker presented to the parties as well as to neighbors Algeria and Mauritania in January 2003. In July 2003, the Council finally agreed to express its support for the Peace Plan in resolution 1495, which was adopted by consensus. Polisario had reservations about the plan, but since it still envisaged an eventual referendum with independence as an option, Polisario finally accepted the proposal with encouragement from Algeria. Morocco, however, was disturbed by the revival of the independence idea and ultimately rejected the plan on grounds that autonomy was the most it could offer.

Morocco delayed its final rejection until April 2004, hoping that the Plan would serve as a basis for further negotiations. Baker was always very clear in his discussions with the Security Council, however, that further negotiations with the parties would serve no purpose. The differences between them were too fundamental, and new discussions could only mean another lengthy period of delay with no solution. The parties had met face to face nine times during the period of Baker's involvement, usually with no real results. The Security Council, in Baker's view, needed to ask one or both parties to do something that they would not be prepared to do otherwise.

Nonetheless, in the months before its April 2004 rejection, Morocco attempted to present counter-proposals, which in Morocco's view would "enable the Saharan populations to manage their own affairs freely, democratically and in full respect of the sovereignty of the Kingdom of Morocco, its territorial integrity and its national unity". Despite discreet efforts by Baker to help Morocco adjust its autonomy proposal in ways that might win broader acceptance, Morocco did not do so and finally rejected the Peace Plan outright. In reaction, the Security Council adopted resolution 1541 of April 29, 2004, which on the surface seemed to endorse the Baker Plan by describing it as the "optimum political solution."

After Baker's departure, however, Secretary-General Kofi Annan and his representatives, taking their cue from the external powers with the strongest interests in Western Sahara, notably the United States, France, and Spain (in 2004 an elected member of the Council), stopped mentioning the Baker Plan as a solution to the conflict. Secretary-General Annan joined the chorus calling for a mutually acceptable political solution, despite Baker's warnings – and his own earlier acknowledgement – that the basis for such a solution did not exist.

What brought the current stalemate?

Resolution 1541, despite its affirmation of the Baker Plan as “optimum,” was interpreted by Morocco as a victory since it contained no language suggesting that a solution might be imposed in Western Sahara. Moreover, the resolution expressed strong support for efforts to achieve a “mutually acceptable political solution,” which Baker had maintained was impossible. In reality, resolution 1541 represented a shift in the balance of opinion among the three key external actors: France, Spain, and the United States. France had unfailingly supported Morocco over the years, but Spain and the United States had taken a more nuanced approach. Successive Spanish governments, under strong popular pressure at home to support the Saharans in their quest for independence, but also mindful of the importance of good relations with Morocco, had managed to keep a balanced position, supporting United Nations efforts, especially after Baker had been appointed as Personal Envoy. However, in 2004, the newly elected Spanish government, made improvement of relations with Morocco a priority and weakened its support of the Baker Plan.

The United States, despite its close relations with Morocco and even assistance at the time that Morocco built the “berm” surrounding most of Western Sahara, had long supported UN efforts to resolve the conflict. It had been active in the Group of Friends of Western Sahara, which was created at the initiative of the United States in 1993 and sought to encourage a negotiated settlement. This earned the United States the trust and confidence of both sides. Although Morocco saw the United States as its trusted ally, at the same time Polisario, which over the years had managed to build significant bipartisan support in the U.S. Congress, felt that unlike France, the United States was striving to be balanced and objective.

In 1995, during yet another impasse in the implementation of the Settlement Plan, the United States discreetly tried to organize direct talks between the parties, but asked that Polisario not bring up the issue of independence during the meeting. Polisario rejected this suggestion, the talks never happened – and that was the last time that the United States acted unilaterally in trying to resolve the conflict. After Baker's appointment in March 1997, the United States was happy and relieved to lend its support to him as UN representative, both during the Clinton and Bush administrations. The United States tried to persuade Polisario and Algeria to accept the first Baker Plan, and was actively engaged at the highest level in having the Security Council unanimously support the second Plan.

Nonetheless, it is clear that the United States changed its position in 2004 and weakened its support of Baker through the wording of resolution 1541. By strongly supporting a mutually acceptable political solution, while terming the Baker Plan “optimum,” – and hence implying that it might not be achievable – the resolution was indeed a victory for

Morocco. Pressure to accept the Baker Plan had been lifted, and Morocco's key allies were nodding approvingly to its talk of offering autonomy to Western Sahara under Moroccan sovereignty.

U.S. Policy

It is no secret that the strengthening of Morocco's position within the current U.S. administration came from those who value Morocco's role in Middle East politics and in the Global War on Terror. Suicide bombings in Morocco and involvement of Moroccan nationals in terrorist events in Europe have reinforced this position. Morocco has taken advantage of U.S. counter terrorism concerns by alluding to alleged Polisario involvement in terrorism or by talking about terrorism flourishing in North Africa if the Western Sahara conflict does not get resolved to Morocco's satisfaction. Thus, U.S. diplomats have called Morocco's autonomy proposals "serious and credible" and managed to have that language inserted in UN Security Council resolution 1754 of April 30, 2007, which endorses the Ban Ki-moon negotiations. Meanwhile, 180 members of Congress have expressed their support for the Moroccan autonomy proposal.

The U.S. approach is short-sighted because counter-terrorism efforts in the whole of North Africa necessitate that the United States address Algeria's concerns also, not just those of Morocco. Resolution of the Western Sahara conflict in an honorable way for Polisario has been and continues to be of utmost importance to Algeria. The issue has poisoned Algerian-Moroccan relations for years making prospects for cooperation between them in anti-terrorism, or anything else for that matter, highly unlikely.

The United States and other Moroccan allies know that calling on the parties to negotiate on the basis of the Moroccan proposal all but recognizes Moroccan sovereignty over the Western Sahara. Polisario's supporters in the Council, led today by South Africa, would consider such negotiations unacceptable for the international community.

The Security Council has chosen to deal with this issue by adopting the suggestion by the Secretary-General for negotiations between the parties without preconditions. This is not the first time that the Security Council, when confronted with a difficult choice and crucial disagreements among its members, has bounced the issue back into the court of the Secretary-General. There has been giddy talk among Morocco's supporters about a "breakthrough," since the parties have indeed agreed to direct talks. However, given the irreconcilable nature of the positions that each side has brought to the table, what are the chances for these talks to bring about any results? At best, the latest decision by the Security Council promises several more years of stalemate.

Anna Theofilopoulou covered Western Sahara and North Africa in the Department of Political Affairs of the United Nations from 1994 to 2006. She worked closely with former U.S. Secretary of State, James A. Baker, III throughout his appointment as Personal Envoy of the Secretary-General on Western Sahara – from March 1997 until his resignation in June 2004.