

Caught in the Middle:  
UN Involvement in the Western Sahara Conflict

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# Introduction

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Any Moroccan-made tourist map of Morocco has two distinct and telling characteristics: first, the map does not show the eastern border between Morocco and Algeria, for although both countries have formally agreed on a border to divide their territories, in Morocco there is a nationwide feeling that parts of Algeria should belong to Morocco; the second is that the map shows Western Sahara as part of Moroccan territory, that there is no distinction of any kind between Western Sahara and Morocco. Both of these facts might seem futile to the objective observer, but they are not: they point directly to the heart of the last unresolved decolonization conflict in today's world. For over 30 years the Western Sahara conflict has played a major role in blocking any attempt at regional cooperation in north-west Africa and it continues to do so until the present day.

Although not much progress has been made in the Western Sahara over recent decades, the conflict is an interesting object of study for several reasons. First, there is the role of the United Nations as an intervening party. The United Nations has played a major role in the conflict, especially since the creation of the UN mission for the Western Sahara, MINURSO. After a broad outline of the history of the conflict, this paper focuses on an evaluation of the UN's efforts and looks at the analytical perspective of negotiation theorists on third-party intervention. The current deadlock in the Sahara proves to be stable, because not only the conflicting parties themselves, but also the international community, seem to be satisfied with the current situation. This sheds new light on the UN's efforts, which have been very effective in reaching their true objective: a lasting ceasefire. Second, the role

of Algeria in the conflict is special. Analysis shows that Algeria – a country that formally is not a party to the conflict – is a decisive factor in preserving the current deadlock. The Algerians do not have any interest in a solution to the conflict and are able to preserve the current situation at very low cost.

Western Sahara is not yet another post-colonial issue. It is an intriguing web of actors, interests and national and international politics that has developed into a lasting conflict. At first glance, not too much seems to be at stake and finding solutions seems an obvious task. But the history of the region, stubbornness of the parties and especially the role of the international community make it a very tough nut to crack. And a very interesting case to analyse.

# The Conflict

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In essence, the situation in Western Sahara can be characterized as a classical case of post-colonial conflict. The territory that was referred to as ‘Spanish Sahara’ until 1974 is claimed by two parties – Spain and Morocco – both demanding full and undivided sovereignty. The former colonial power has retreated and left behind a conflict that is still unresolved after 30 years. But is it yet another post-colonial conflict? On closer inspection the particular situation in Western Sahara proves to be both very complex and, to a large extent, unique in its features. To understand the complexity of the conflict, it is first necessary to take a closer look at the historical background.

Choosing the starting point for a historical overview of any conflict is arbitrary and rather subjective. This case is no exception: some authors choose to go back to the first known history of the territory,<sup>1</sup> while others only pay attention to the recent history of the dispute.<sup>2</sup> I choose 1965 as my

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1) See, for instance, E. Jensen, *Western Sahara: Anatomy of a Stalemate* (London: Lynne Rienner, 2005); or I.W. Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (Oxford: Oxford University Press, 1989).

2) See, for instance, C.M. Pothoven, ‘Helping and Hindering: The Role of the United States and United Nations in the Western Sahara Conflict’, *Journal of Public and International Affairs*, Princeton, vol. 13, 2002, pp. 145-163; or A. Boukhari, *The International Dimension of the Conflict over the Western Sahara and its*

arbitrary starting point. In that year the United Nations General Assembly (UNGA) adopted Resolution 1514 (XV), granting independence to colonial countries and peoples. The UNGA declared that the people living in the territory known as Spanish Sahara had the right to freedom from 'colonial domination' and called on Spain to 'enter into negotiations on the problems relating to sovereignty presented by the territory'.<sup>3</sup> In June 1966 both Morocco and Mauritania supported the right of the people of Western Sahara to self-determination and in October 1966 the Organization of African Unity (OAU) adopted a resolution calling for the 'freedom and independence' of Western Sahara. UN General Assembly Resolution 2229 was adopted on 20 December 1966, calling on Spain to grant the people of Western Sahara their right of self-determination through a referendum. But Spain, at the time led by General Franco, was not impressed and showed strong determination to hold on to Spanish Sahara. Judging from these facts this seems to be a straightforward case: the only thing needed seemed to be a fair and free referendum about self-determination, and that appeared to be supported by all parties except Spain. But the Moroccan position was about to change.

Moroccan support for self-determination was based on a well-grounded belief that the people of Western Sahara, if given the opportunity, would choose to be reunited with the Moroccan motherland. The ties between Morocco and Western Sahara were considered to be historically strong and only interrupted by colonial rule. However, inside the territory of Western Sahara independence movements were set up that raised great popular support for immediate Spanish withdrawal and the creation of an independent Saharan state. Spain reacted by announcing plans to hold a referendum in early 1975.

King Hassan of Morocco responded with the announcement that a referendum that included the option of independence was unacceptable to Morocco. He made a request to the International Court of Justice (ICJ) to consider the case. The ICJ was asked to determine the pre-colonial legal status of the territory. In its advisory opinion the ICJ stated that:

General Assembly Resolution 1514 (XV) provided the basis for the process of decolonization, which has resulted since 1960 in the creation of many States which are today Members of the United Nations. [...] The Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found

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*Repercussions for a Moroccan Alternative*, Real Instituto Elcano, Working Paper no. 16, 2004.

3) Jensen, *Western Sahara*, p. 25.



legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.<sup>4</sup>

Immediately after the publication of the ICJ's opinion, King Hassan called on the Moroccan population to gather in a 'Green March', which eventually involved over 350,000 Moroccans marching south into the territory of Western Sahara.

Spain, meanwhile, decided that leaving was the least damaging option and succeeded in concluding the Madrid agreements with Mauritania and Morocco: in exchange for fishing rights and some of the mineral profits, Morocco and Mauritania were both offered part of the territory. On 26 February 1976 Spain withdrew and was replaced by the two neighbouring states. This raised serious international protest. Neither the UN nor the OAU recognized the partition and annexation of Western Sahara. On the same day, the indigenous population, in part represented by the *Frente Popular Para la Liberacion de Seguia el-Hamra y Rio de Oro* (Polisario), declared the territory independent, founding the Saharan Arab Democratic Republic (SADR). About 170,000 Sahrawis were evacuated to Tindouf in north-western Algeria, where they were granted autonomy by the Algerian government.<sup>5</sup> To the great dismay of Morocco, Algeria also backed the Saharan claims for independence and self-determination. From now on the conflict formed another source of rivalry in the difficult relationship between Rabat and Algiers.

Polisario continued to fight for independence and now attacked Mauritanian and Moroccan military and civilian targets in a guerilla-like fashion. Although more powerful and better equipped, the Moroccan army was not able to defeat the rebels, in part because the Polisario troops' knowledge of the terrain was superior.

In 1979, shortly after a radical change of government, Mauritania pulled out of the war, which had become too costly for the poor country. King Hassan immediately extended the Moroccan Kingdom's occupation of the territory by annexing the part evacuated by Mauritania, effectively creating the stalemate on the ground that still exists today. Morocco holds most of the territory, which is today divided from a small strip of land in the east by an enormous sand wall – usually referred to as 'the berm' – running from north to south through Western Sahara.

Over the years more and more countries have given diplomatic recognition to the SADR. With strong Algerian support, the SADR even

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4) ICJ, *Western Sahara (Advisory Opinion)*, 1975, 12-68.

5) F.U. Ohaegbulam, 'Ethical Issues in US Policy on the Western Sahara Conflict', *Mediterranean Quarterly*, vol. 13, no. 4, autumn 2002, pp.88-115, at p. 91.

became a member of the OAU, which in turn led to Morocco's decision to end its membership of the organization. But this diplomatic victory did not improve the situation. The war continued and caused casualties on both sides. It took until 1990 for the parties to accept a ceasefire agreement brokered by the UN. But this agreement by no means signalled that an end to the conflict was within sight, because '[t]he Saharan conflict was so deep-seated and multilayered, the parties were so intimate with and distrustful of each other, and the unilateral prospects of simply holding out were so attractive and so perilous for each'.<sup>6</sup>

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6) Zartman, *Ripe for Resolution*, pp. 70-71.

## States with a Stake in the Conflict

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To gain a better understanding of the state of this conflict, it is necessary to analyse the positions and interests of all of the relevant parties: Morocco; Polisario and the SADR; Algeria; the United States; France; Spain; and the United Nations. The mere number of parties directly involved in the conflict is a telling sign that Western Sahara is a hard nut to crack. Although nuances have changed and developments on the ground as well as in the political landscape have taken place, the principle positions of the conflicting parties have proved to be extremely steady. In fact, the stances have hardened over time and the parties have dug deeper into their respective positions instead of showing any real change towards resolution.

### **Morocco**

The position taken by Morocco in this conflict is extremely clear: it wants integration of Western Sahara into the Kingdom of Morocco. Rabat demands sovereignty over the territory and uses historical claims to support its position. Currently about 80 per cent of the territory is effectively in Moroccan hands, controlled by the army. There are a number of vital interests that lie behind the Moroccan position.

First, the Saharan issue is extremely important for the internal stability of the Moroccan monarchy. The Moroccan political landscape is heterogeneous and there are differences of opinion in almost any field of politics. But on this issue all of Morocco seems to speak with one voice. Zartman notes that '[...]

the political usefulness of the issue as a common bond and creed of the political system since 1974 is great, to the point where it imposes real constraints on the policy latitude of the incumbent or any other government'.<sup>7</sup> The monarchy has used the issue in several public addresses to strengthen its position and to render support from the people. The downside of this popular commitment to the case is that it severely restricts Morocco's room for manoeuvre: every new harsh statement pushes the king deeper into his entrenched position and bit by bit closes the door towards concessions.

Another major driving force behind the Moroccan position is its regional aspiration. Rabat strives to be the dominant player within the Maghreb region. King Hassan II on many occasions even referred to 'Greater Morocco' – comprising Morocco, Western Sahara, Mauritania and parts of Mali and Algeria – as the ultimate objective. Naturally this policy has resulted in a long power struggle with Algeria for regional dominance. The Algerian military and diplomatic support for Polisario has contributed to Morocco's determination to hold on to Western Sahara at any price.

Besides the political interests, both local and regional, Western Sahara also represents interests in the economic sphere. Western Sahara holds large amounts of phosphates and other natural resources that form a contribution to the Moroccan economy. Moreover, the fishing grounds of Western Sahara are extremely rich. But there is no agreement among scholars on the importance of these factors, as is pointed out by Pothoven.<sup>8</sup> Perhaps the most promising economic factor is the possible presence of oil in Western Sahara. In summer 2001 a consortium found oil off the coast of Mauritania, raising speculations that there might be more further north.

### **Polisario and the SADR**

Polisario's position has been as consistent and as clear as the Moroccan stance. Polisario wants the people of Western Sahara to exercise their right to self-determination, which is generally assumed would result in an independent sovereign state in Western Sahara: the Saharan Arabic Democratic Republic. About 20 per cent of the territory is currently under Polisario control. About 170,000 Sahrawis live in refugee camps in Tindouf, Algeria. The interests behind this position are discussed below.

Polisario's primary motivation is self-determination. The people of Western Sahara feel that they have suffered from the Spanish occupation and do not want a new occupying power to take control. As Rousselier notes, 'Polisario's overriding goal lies in an internationally recognized and

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7) Zartman, *Ripe for Resolution*, p. 39.

8) Pothoven, 'Helping and Hindering', p. 149.

independent Saharan state within the international borders of the Western Sahara territory, based on “international legality” regarding self-determination’.<sup>9</sup> Moreover, living conditions for the over 170,000 refugees in the camps near Tindouf are bad and would improve dramatically if the refugees could return to their homes or build permanent homes in the territory.

All other interests are of a lesser concern to the Polisario. Of course, the same economic factors that are part of the Moroccan position play a role. But behind the scenes Polisario’s leaders have reportedly signalled that sharing exploitation of the territory’s resources is open to consideration, as long as territorial independence is guaranteed.<sup>10</sup> As far as the regional situation is concerned, it is not expected that any Western Saharan state would play more than a minor role in the region.

## **Algeria**

The position of Algeria is of extreme importance and to a large extent determines the conflict. Algeria’s ambitions towards playing a leading role in the Maghreb region play a key role. On the face of it, the Algerian position seems to be exactly in line with Polisario. Algerians call for the right to self-determination of the Sahrawis and condemn Moroccan occupation of the territory. But the interests behind this position reveal a mixed picture and add important nuances to the Algerian stance. The Algerian strategy has always been complex.<sup>11</sup>

The regional implications of the conflict seem to be the driving force for Algeria. In its longstanding rivalry with Morocco, this conflict has served and still serves as an important tool to frustrate Rabat. A primary example of this strategy is the way that Algeria has used the issue very effectively to push Morocco out of the OAU. The Algerians have nevertheless always claimed that they are not part of the conflict and are merely involved laterally because of the refugee situation. But all observers agree that without Algerian backing, ‘[...] the Polisario would either no longer exist or pose only a minor threat to the Moroccan government today’.<sup>12</sup>

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9) J.E. Roussellier, ‘Quicksand in the Western Sahara? From Referendum Stalemate to Negotiated Solution’, *International Negotiation*, vol. 10, 2005, pp. 311-336, at p. 322.

10) Roussellier, ‘Quicksand in the Western Sahara?’, pp. 322-323.

11) Zartman, *Ripe for Resolution*, p. 44.

12) Pothoven, ‘Helping and Hindering’, p. 152.

A close look at the Algerian domestic political situation reveals a second interest that, perhaps surprisingly at first glance, implies a different stance. Islamist insurgents inside Algeria and various ethnic groups are a cause of instability in the political landscape. Separatism is very much alive, especially in southern Algeria. This implies that no one should be too easily convinced that Algeria wants to see a Saharan independent state on its western border. An independent SADR could ignite separatism in Algeria, jeopardizing the Algerian government's position.

The paradoxical Algerian interests lead to the conclusion that Algeria does not seem to have any drive whatsoever to solve the conflict. Algeria would not like to see Morocco stronger as a result of integration of the territory of Western Sahara into the Moroccan state, but independence for the Polisario could possibly ignite separatist claims in southern Algeria. Another benefit of the current situation is that it keeps Morocco outside of the African Union (AU) and strengthens Algeria's regional power position. Developments on the ground clearly support this analysis. Algeria's military support to Polisario, for instance, has over the years been enough to keep Polisario alive, but never great enough to provide Polisario with a real chance of winning a battle of any significance. Since the 1990 ceasefire, Algeria has constantly convinced the Polisario not to take up arms and has supported the status quo. Any resolution to the conflict would rob the Algerians of vital leverage *vis-à-vis* Morocco in what is still a serious regional rivalry.

### **The United States**

The US has officially been neutral regarding the final status of the Western Sahara territory and seeks a solution to the conflict that is acceptable to all parties. The right to self-determination is important to the Americans and along with other permanent members of the UN Security Council it has repeatedly pledged support for the referendum process. Initially the US backed the Moroccan government, both diplomatically and militarily, but in recent years it has shown signs of moving away from unilateral support to Morocco, taking a more balanced position that is also responsive to Algerian interests.

Many see the longstanding special relationship between the US and Morocco as one of the driving forces behind the US position. Both countries concluded a treaty of friendship dating back to 1787 and the US has many reasons for continuing this relationship. Morocco is considered to be one of the few US friends in the Islamic world and it serves as an important partner with regard to the conflict in the Middle East. During the Cold War there were fears that Sahrawi independence would lead to the creation of a pro-

Soviet state.<sup>13</sup> Finally, Morocco's strategic location, mineral wealth and the possible presence of oil have all played their part in tilting the US balance towards support for the Moroccan government.<sup>14</sup>

In the economic sphere, the US has an interest that to some extent balances the above-mentioned tendency towards Morocco: the development of economic cooperation within the Arab Maghreb Union (UMA) – consisting of Morocco, Algeria, Mauritania, Tunisia and Libya. Regional cooperation in the UMA could be a force towards more political and economic stability in the region. This especially requires improved relations between the main players, and great rivals, in the UMA: Morocco and Algeria. Unilateral US backing of Morocco stands in the way of any true progress in this area and the creation of the US–North Africa Economic Partnership is one of the signals showing that the US is well aware of this.<sup>15</sup> Another US economic interest lies in the region's possible oil reserves. In its aim to diversify its energy imports and lessen its dependency on oil from the Middle East, the US is currently looking for alternatives. Western Sahara might prove to be such an alternative, but can only be benefited from if a stable solution to the conflict is found.

A third factor that has recently developed into a dominant influence on the US position towards Western Sahara is the so-called 'war on terror'. In the aftermath of the '9/11' terrorist attacks on New York and Washington, the Sahara has been earmarked as a possible hideout for terrorist groups. In response to the possible threat, the Bush administration has launched the Pan-Sahel Initiative (PSI), sending some 1,000 US special forces into the Sahara, to help and support local military units in the fight against terrorism. The PSI was dramatically expanded in 2005, with an annual budget of 100 million US dollars, and its name was changed to Trans-Saharan Counter-Terrorism Initiative (TSCTI). The main partner of the US within TSCTI is Algeria and the initiative has contributed to further relaxation of the tensions in the relationship between Washington and Algiers.<sup>16</sup> At least in the near future, the fight against international terrorism will retain a central position

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13) Y.H. Zoubir and K. Benabdallah-Gambier, 'The United States and the North African Imbroglio: Balancing Interests in Algeria, Morocco and the Western Sahara', *Mediterranean Politics*, vol. 10, no. 2, 2005, p. 184.

14) There have, however, been instances of cooperation with other regional players. For instance, Algeria played a key role as a mediator in the 1979 Iran hostage crisis.

15) Pothoven, 'Helping and Hindering', pp. 155-156.

16) J. Keenan, 'Waging War on Terror: The Implications of America's "New Imperialism" for Saharan Peoples', *The Journal of North African Studies*, vol. 10, nos. 3-4, 2005, pp. 619-647, at p. 622.

within US foreign policy. Ironically, as a result of this, the US's position towards the Western Sahara conflict will be more balanced, taking account of both Morocco's and Algeria's interests.

### **France**

France is the former colonial power in both Morocco and Algeria and still has considerable influence in the region. The French position is formally that it welcomes any outcome that puts an end to the conflict and that is acceptable to all parties. But many consider France to be the most faithful ally of the Moroccan government in this conflict. Over the years France's relationship with Morocco has been considerably warmer than its difficult contacts with Algeria. Nevertheless, to keep its influence in the region, it is important for France that there will not be a one-sided outcome: it is profoundly concerned about the impact of any disruptive change on the region's population and countrymen abroad, who are largely living in France.<sup>17</sup>

The French-Moroccan partnership is obvious. Economic figures clearly show that France today is still Morocco's primary political and economic partner. In 2000, one-third of all overseas investments in Morocco and 40 per cent of all industrial investments were French. The same picture was found in trade, where France accounted for, respectively, 33.6 per cent of Moroccan imports and 23.4 per cent of exports. The second country, Spain, followed at a respectable distance with 12.7 and 9.8 per cent.<sup>18</sup> On the other hand, France's relations with Algeria have improved considerably over the past decade, which adds at least a nuance to the view of some that France only favours Morocco.

The main interest behind the French position is the desire for influence in the region. France would like to hold on to its special position and is particularly cautious concerning the increasing role that the US seems to want to play. Because of its strong ties with the Moroccan government, France favours a leading role for Rabat in the Maghreb, enabling Paris to be as close as possible to decision-making in the region. But France's overriding interest is the preservation of regional stability. In its view, stability is best achieved through the integration of Western Sahara in Morocco.<sup>19</sup> It goes without saying that the fact that France is a permanent member of the UNSC makes it an even more important factor in the future of the conflict.

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17) Jensen, *Western Sahara*, p. 118.

18) T. Shelley, *Endgame in the Western Sahara* (London: Zed Books, 2004), p. 18.

19) Roussellier, 'Quicksand in the Western Sahara', pp. 311-336, at p. 329.



## Spain

The Spanish position is nowadays of far less importance to the conflict than it has been in the past. As the former colonial ruler, Spain has played a vital role in the birth of the dispute in Western Sahara. The relationship between Spain and Morocco is tense: for instance, the position of the enclaves Ceuta and Melilla are very sensitive issues. And there is Spanish civil society, which has always shown huge support for the Polisario case. Feelings of guilt about the mismanagement of the decolonization process are still very much alive in Spanish political life.<sup>20</sup>

But although this puts pressure on Madrid to take a clear stance on the issue, the Spanish government takes a balanced position. It shows concern for the issue and regularly hosts meetings where the topic is discussed at various levels. But Spanish politicians do not make any bold statements or claims concerning the case. They acknowledge the problematic situation and strive for an agreement that is acceptable to all of the parties involved. When studying the current conflict in Western Sahara, it is important to realize that the Spanish role has diminished over the years and that '[...] notwithstanding Spain's significance in the Western Sahara issue [...] it is France and the US who are the principal external players'.<sup>21</sup>

The UN has played and still plays an important role in Western Sahara. But the position of the UN differs greatly from that of state parties, as its opinions and actions are determined by the member states, especially within the UN Security Council. The UN's role therefore merits a separate section in this analysis.

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20) Roussellier, 'Quicksand in the Western Sahara', p. 330.

21) Shelley, *Endgame in the Western Sahara*, p. 22.



## The UN in Western Sahara

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The greater involvement of the UN in the conflict in the late 1980s was partly a result of the changing international environment around the end of the Cold War. Many nations were of the opinion that the last decolonization conflict on the African continent should now be resolved and that the way forwards was a referendum on self-determination for the Western Saharan people, organized by the UN. A UN mission for the Referendum in Western Sahara (its French acronym, MINURSO, is usually used) was therefore established, which successfully guarded the ceasefire in the territory. But its main task – organizing a fair and free referendum on self-determination for the people of Western Sahara – proved to be of Herculean proportions: almost immediately after the establishment of MINURSO, the Moroccan government tried to extend the list of possible voters to people who had moved into the territory in the years of Moroccan occupation. The claim was that a fair referendum should include all of the territory's inhabitants. The reason behind this claim is easy to see: the settlers were pro-Moroccan and would vote in a referendum against independence. Predictably, Polisario did not agree with the Moroccan point of view, marking the starting point of an ongoing diplomatic conflict. Over the years the arguments of both parties have varied and sometimes a solution has seemed close, but thus far the referendum has not taken place. And it will not take place in the near future. The bottom line is that a referendum that includes the possibility of total independence is unacceptable to Morocco, whereas the Polisario does not accept any referendum that does not include total independence as one of the options.

In its early years, MINURSO put much effort into trying to organize the referendum. Moroccan objections to the process were considered and, in cooperation with Polisario and Morocco, MINURSO started an immense identification campaign, aiming to determine how many and which people should be allowed to vote in the referendum. This identification process has taken over ten years and has been a source of continuous conflict between the parties involved. Morocco has several times tried to change the list of possible voters and Rabat has come up with new lists of potential voters on a couple of occasions. Polisario, on the other hand, has stuck to its claim that only people included in the territory's 1974 Spanish census should be allowed to take part in the referendum. Over the years the initial optimism concerning the referendum vanished. MINURSO started to realize that organizing a referendum could prove to be an impossible task and the UN decided to start looking for an alternative way out of the deadlock.

When Kofi Annan took office as UN Secretary-General in January 1997 he assessed the UN's involvement in Western Sahara in his inaugural report. He concluded his review of the situation with three questions concerning the resolution of the conflict, asking whether the current settlement plan could result in an agreement, whether it could perhaps be changed in such a way that it could lead to agreement, or whether the international community could help the parties to resolve the conflict in any other way.<sup>22</sup> Annan and others within the UN realized that the referendum process offered at best a faint prospect of resolution. So, in February 1997, James Baker III – a former US Secretary of State – was appointed as Special Representative of the UN Secretary-General. Baker's mandate was formally to get the identification process and the referendum back on track, but, as Jensen points out, he was also instructed to '[...] try to negotiate a deal based on autonomy for Western Sahara within the Kingdom of Morocco'.<sup>23</sup> Initially Baker was successful: in September 1997, under his supervision, the parties concluded the so-called 'Houston Agreements', resulting in the resumption of the identification process. But technical issues and differences of opinion soon caused new delays. It eventually took until the end of 1999 to complete the first phase of the identification. But there were then still 131,038 appeals to be processed!

From 1999 onwards the UN's main focus was finding a solution outside the referendum process. Both France and the United States came to the realistic assessment that Morocco would never accept independence as the outcome of a referendum, whereas this outcome seemed very likely. The UN regarded the referendum as a 'winner-takes-all system' that could not produce an outcome acceptable to all of the parties. Annan reported to the Security Council in 2000 that a solution could only have a format in which 'each

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22 ) Jensen, *Western Sahara*, p. 91.

23) Jensen, *Western Sahara*.

would get some, but not all of what they want'.<sup>24</sup> It took James Baker another two years of negotiation with the parties before he could present a possible solution: the Draft Framework Agreement. The Agreement proposed a five-year transition period in which Morocco would retain sovereignty over the territory, while a Legislative and Executive Council – chosen by the population – would be in charge of internal affairs. At the end of this five-year period a referendum would be organized to decide on the territory's future. Everyone who had lived in the territory in the preceding year would be entitled to vote.<sup>25</sup> In practice this would mean that all of the Moroccan settlers would have the right to vote, increasing the chances that the outcome would be integration of the territory into Morocco. The response to the Draft Framework Agreement was negative. It was seen as a proposal that clearly favoured the Moroccan position and that would inevitably lead to integration of Western Sahara into the Moroccan Kingdom under a certain form of autonomy. The UN Security Council showed disapproval of the Framework Agreement and Polisario and Algeria rejected it on the very day that it was made public.<sup>26</sup>

Baker decided that the UN Security Council should take the next step in the process and figured out a formula that would provide him with *a priori* Security Council backing for any of his actions. He proposed four options towards resolution and asked the Council to take a decision on which course of action should be taken. The options were:

- (1) implementation of the original settlement plan, including the referendum;
- (2) the proposed Framework Agreement, with revisions;
- (3) partition of the territory on the basis of the Mauritanian-Moroccan agreement of 1976;
- (4) to admit the failure of the UN in Western Sahara and withdrawal of MINURSO from the territory.

A diplomatic effort by the US, backed by the UK and France, to gain support for the Framework Agreement did not succeed and the Security Council eventually decided to ask Baker to 'continue with his efforts to find a political solution', also stressing that any possible solution should be 'mutually acceptable'. The Security Council finally recalled that it would be

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24) L.E. Smith, 'The Struggle for Western Sahara: What Future for Africa's Last Colony?', *The Journal of North African Studies*, vol. 10, nos. 3-4, 2005, pp. 545-563, at p. 548.

25) Boukhari, *The International Dimension of the Conflict over the Western Sahara and its Repercussions for a Moroccan Alternative*, pp. 8-9.

26) Smith, 'The Struggle for Western Sahara', pp. 548-549.

‘ready to consider any approach which provides for the self-determination of the people of Western Sahara’.<sup>27</sup>

Almost one year later, Baker presented a revised proposal – the Peace Plan for the Self-Determination of the People of Western Sahara (Baker II) – in which he combined elements of the Settlement Plan and the Framework Agreement. Instead of offering the parties a possibility to respond to the plan and propose changes, Baker presented his second plan as a single package: they could either take it or leave it.<sup>28</sup>

After an initial negative response, Polisario decided to accept the plan as a basis for finding a solution. Although Kofi Annan was reportedly very pleased with Polisario’s acceptance, the Security Council – and especially Morocco’s allies within the Council – now faced a difficult situation. All realized that support for the Plan would put Morocco in a position in which rejecting the Plan would be extremely difficult. A majority in the Council favoured acceptance of the Plan. But the Council also decided to leave the Moroccans enough room for manoeuvre. In the preamble of Resolution 1495 – in which the Council expressed strong support for the Plan – the Council explicitly mentioned that it was ‘acting under Chapter VI of the Charter of the United Nations’.<sup>29</sup> In itself this added no new facts to the situation, as the Council had been acting under Chapter VI from the very beginning, but the explicit reconfirmation was a clear signal to Morocco – and in fact to the rest of the world – that UN enforcement of any course of action was not on the cards. Morocco eventually rejected the Plan, according to Baker because it could not accept that ‘in the referendum to determine the final status of Western Sahara, one of the ballot choices is independence’.<sup>30</sup> This meant that the parties once again returned to their stalemate position, as far away from a resolution as ever, which caused Baker so much frustration that he decided to resign.

Baker’s resignation marked the beginning of a period in which international attention for Western Sahara sharply diminished. It took until summer 2005 for the UN to present a successor to Baker – former Dutch representative to the UN, Peter van Walsum. Van Walsum restored contacts with all of the conflicting parties and resumed the search for a UN-backed, diplomatic solution to the conflict.

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27) UN Security Council Resolution 1429, 2002.

28) Boukhari, *The International Dimension of the Conflict over the Western Sahara and its Repercussions for a Moroccan Alternative*, pp. 11-12.

29) UN Security Council Resolution 1495, 2003.

30) United Nations, *Report of the Secretary-General*, S/2003/565, 2003.

## Third-Party Intervention

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When the UN Security Council gave its full support to MINURSO, it seemed obvious that the UN had decided to become involved in the Western Sahara conflict with a clear ambition: to make sure that both parties respected the ceasefire agreement and to help the parties to end the conflict, preferably according to the proposals put forward in the settlement plan.<sup>31</sup> Judging from these ambitions, the results that have been achieved are mixed: the ceasefire is still in place and respected by both parties; however, a lasting solution does not seem to be on the cards any time soon. To determine the impact of the UN's efforts in Western Sahara, evaluation is needed.

### **Evaluating Third-Party Intervention**

The outcome of any evaluation of the UN's efforts in Western Sahara is highly dependent on the way that success or failure of the intervention is measured. Different approaches to this problem can be found among mediation scholars. Bercovitch defines success very broadly as an outcome

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31) UN Security Council Resolution 690, April 1991.

that has reduced violence or promoted an agreement.<sup>32</sup> But several schools of thought can be distinguished in the literature, each with their own criteria for the evaluation of intervention or mediation. Rioux presents five possible ways of measuring the success or failure of third-party intervention.<sup>33</sup> They are:

- (1) a bureaucratic-process approach (are the goals and objectives listed in the resolution reached?);
- (2) a humanitarian approach (how many lives were saved?);
- (3) a utilitarian approach (did the total costs outweigh the benefits?);
- (4) a protracted conflict-management approach (how lasting is the outcome of the intervention?);
- (5) a problem-solving approach (have the fundamental issues underlying the conflict been resolved?).

Only in terms of ‘lives saved’ could a case be made that MINURSO has been a success. But from all of the other points of view, evaluation of the UN’s efforts results in a negative conclusion. The conflict is still in place, the parties have held on to their opposing positions and any UN proposal has been rejected by at least one of the parties. So what went wrong and did the UN make mistakes in this intervention?

Answering this question requires a closer look into the role of third parties in the management or resolution of conflicts. Over the years, scholars from a broad variety of disciplinary backgrounds have studied this subject. The view from Young’s classic book *The Intermediaries: Third Parties in International Crises*<sup>34</sup> is summarized by Rioux: ‘The role of a third party in non-violent conflict management is directed towards helping the actors in the conflict to realize their own interests when various problems threaten to disrupt or downgrade their bargaining relationship’.<sup>35</sup> The third party is regarded as a mediator in this view, helping the conflicting parties by offering them new perspectives on their relative position in the conflict. Typically, the

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32) J. Bercovitch and A. Houston, ‘The Study of International Mediation: Theoretical Issues and Empirical Evidence’, in: J. Bercovitch (ed.), *Resolving International Conflicts: The Theory and Practice of Mediation* (Boulder CO: Lynne Rienner, 1996), p. 3.

33) J. Rioux, *Peace Studies and Third Party Intervention as Conflict Management: The Case of Africa*, paper for the 16th Nordic and 4th Baltic Peace Research Conference, September 2003, p. 11.

34) Oran R. Young, *The Intermediaries: Third Parties in International Crises* (Princeton NJ: Princeton University Press, 1967).

35) Rioux, *Peace Studies and Third Party Intervention as Conflict Management*, p. 3.



intervening party has various options at its disposal, which can be clearly seen from Young's definition of intervention as 'any action taken by an actor that is not direct party to the crisis, that is designed to reduce or remove one or more of the problems of the bargaining relationship and, therefore, to facilitate the termination of the crisis itself'.<sup>36</sup> Any action – from facilitation of civil dialogue to high-level coercive diplomacy – can be part of an intervention.

In the case of Western Sahara we have seen that the UN's approach has been twofold: guarding a military ceasefire; and trying to establish dialogue and eventually direct negotiations between the parties. The UN tried to remove an important problem in the bargaining relationship – all the debates surrounding the referendum issue – by pushing through organizing the referendum, but it never achieved an arrangement that was acceptable to all. In direct negotiations the parties proved to be rigidly holding on to their narrow interests, and although several peace plans were launched, most observers agree that the UN did not succeed in getting the parties any closer to agreement.<sup>37</sup>

### **The Timing of Mediation Efforts: Ripeness of Conflict**

A substantial group of scholars argues that evaluating the type of action taken by an intervening party is not of much value unless the timing of the intervention is considered. Here the concept of 'ripeness'<sup>38</sup> plays a key role, stating that the timing of a peace effort is the key to successful conflict resolution. According to Zartman, ripeness of a conflict is '[...] a necessary but not sufficient condition for the initiation of negotiations, bilateral or mediated'.<sup>39</sup> The concept of ripeness is built on two pillars. First, the conflicting parties should have the perception that they are entrapped in a mutually hurting stalemate, a situation from which neither of the parties can move to victory and that is painful for both of them. Second, the parties have to have the perception of a way out of the conflict.<sup>40</sup> Note that perception

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36) Cited in Rioux, *Peace Studies and Third Party Intervention as Conflict Management*, p. 5.

37) Jensen concludes his book by stating that '[...] the prospect of a peaceful resolution of the conflict stays elusive [...]'; Jensen, *Western Sahara*, p. 121.

38) A concept introduced by I.W. Zartman; see, for instance, I.W. Zartman, 'Ripeness: The Hurting Stalemate and Beyond', in: Paul C. Stern and Daniel Druckman (eds), *International Conflict Resolution after the Cold War* (Washington DC: National Academy Press, 2000), pp. 225-250.

39) Zartman, 'Ripeness', p. 227.

40) Zartman, 'Ripeness', pp. 228-229.

plays a key role here: for a situation to be ripe, what is essential is that the parties *perceive* that they are in a mutually hurting stalemate and see a possible way out of it. Only when the moment is ripe is there a possibility for mediation to result in resolution of the conflict.

This is definitely not the case at present in Western Sahara. Morocco has an interest in continuing the current situation on the ground and hopes that it will be accepted in the long run. On the other side, Polisario still believes that international law is on its side and its main supporter, Algeria, does not seem to have any interest in changing the current deadlock. Moreover, the costs of the conflict to both parties and the international community are not high. Western Sahara is in what Zartman calls the 'S5 situation': a soft, self-serving, stable stalemate.<sup>41</sup>

### **Third-Party Motives for Intervention**

An evaluation of the UN's efforts in the Sahara, on the basis of the actions taken and the timing of these actions, results in an obvious conclusion: the UN has failed to end the conflict and therefore the conclusion about the UN's efforts should be negative. But there may be a third factor of critical importance in the evaluation of any third-party intervention, which seems to be overlooked in the literature on this topic.

As well as evaluating the actions of the intervening party and the timing of the intervention, it makes sense to pay considerable attention to the intentions and goals of the mediating party. Scholars start their research in a vast number of cases from the conviction that the intervening party has the intention of solving the conflict in which they intervene, or at least of contributing to getting the conflicting parties closer to a resolution. At first glance this seems self-evident: mediators and other intervening parties become involved in conflicts because they want to contribute to a resolution that is acceptable to the parties. In the case of the UN, an organization that was originally designed to help states to prevent conflict, it appears nothing short of a truism. The UN Security Council established MINURSO to contribute to 'reaching a just and lasting solution of the question of Western Sahara'.<sup>42</sup> Statements like this lead most to believe that the UN always intervenes on the basis of benign motives. But the reality behind UN Security Council resolutions sheds a different light on UN interventions.

The UN is not a single actor, but a multilateral negotiating arena. Security Council resolutions are therefore the outcome of a highly political

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41) C.J. Arnson and I.W. Zartman, *Rethinking the Economics of War: The Intersection of Need, Creed and Greed* (Washington DC: Woodrow Wilson Press, 2005), p. 269.

42) UN Security Council Resolution 690, April 1991.

process, which means that they can be – and often are – far less benign than one would expect on the basis of the principles laid down in the UN Charter.

Looking at the nature of the organization, its restraints and the games that nations play in the Security Council, one comes to a different assessment of the UN's role in Western Sahara: MINURSO is not a failure. From the outset it was clear that the Security Council, although formally stating that it desired a lasting solution to the question of Western Sahara, did *not* want the stalemate to be changed. In the conflict between international legality and political reality that lies at the heart of the issue, the members of the Security Council could not accept an outcome that did not fully satisfy both parties. As we have seen, the conflict is profoundly distributive in nature. Therefore it does not allow for such an outcome and all of the parties concerned are well aware of this. The stakes are too low and the bloodshed too little – the stalemate is not hurting enough – to push for a solution that could possibly endanger the political ties between the Security Council members and the governments of both Morocco and Algeria. From this angle it is clear that MINURSO was completely effective in reaching the real goals set by the Security Council: making sure that the ceasefire was kept in place and preserving the existing stalemate in the conflict. Our understanding of the effectiveness of third-party intervention, especially in cases where this third party represents a multilateral organization such as the UN, can therefore only be of value when the starting point – the actual motives and goals – of the intervention are thoroughly considered. The formal mandate for a mission hardly ever represents the true intentions of the countries that formulated this mandate. One needs to look beyond the official documents into the positions of the different decision-makers and countries involved to understand better the success or failure of these kinds of interventions. Little can, of course, be expected from an evaluation of MINURSO's efforts as long as the positions of the permanent members of the Security Council – especially France and the United States – are not taken into account. Such an evaluation leaves no conclusion other than that MINURSO has to a large extent been a failure and that the UN has not reached its goals in Western Sahara.

### **A Lesson for the Evaluation of Mediation**

The analysis above clearly shows that the UN's mediation in the Western Sahara has been very effective in reaching its goals. This conclusion, however, can only be reached if motives and interests behind the UNSC mandate are taken into account – a valuable lesson for scholars studying third-party interventions. Mediation literature looks insufficiently at the motives of mediators or those who provide good offices. An evaluation of mediation efforts not only needs to pay attention to the actions and timing of the mediating party, but should also take those motives into account. Assuming that mediators have good intentions and want to resolve the conflict in which

they engage might be an attractive prospect, but can lead to false conclusions. The typical flaw of much negotiation analysis is that it takes insufficiently into account the often determining political factors that are at work in the larger domestic and international contexts in which formal negotiation and mediation take place. The process that is contextual to the negotiation has in effect an essential bearing upon its outcome.

This does not challenge ripeness. Ripeness of conflict is a very valuable notion, which was proved again in this case: the conflict was not ripe for resolution and therefore UN mediation has not succeeded in reaching a lasting solution to the issue. But when a close look at intentions and motives shows that the mediator intends to contribute to the stalemate, the concept of ripeness needs to be mirrored for evaluation purposes. In that case an 'S5 situation' – such as in Western Sahara – provides a guarantee for success, as success is not measured by resolution but by continuation of the stalemate.

## Conclusion

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Two notions flow from this analysis: first, an assessment of the current status of the conflict and the possibilities for resolution; and second, the meaning of the analysis for negotiation and mediation theory.

### **The Unpromising Future of the Western Sahara Conflict**

The Western Sahara conflict has proved to be more than just another decolonization issue. The struggle in the territory has been lasting and will remain to be so for the foreseeable future. The current status quo is held in place by an unusually strong and coherent set of three factors: first, the interests at stake are small and little international attention is therefore devoted to the conflict; second, historical relations between Morocco and Algeria form a heavy burden on the issue; and third, the international community does not wish to engage and contribute to a solution, or is not able to at the moment.

International interest in the conflict is low: no big interests are at stake in the Sahara and the current situation is stable and not causing too many casualties. Every now and then a press article describes the stalemate and Polisario protesters or the Moroccan King occasionally manage to get the conflict in the international media. But in general the current situation does not hurt enough for any relevant party to take the risk of disrupting the balance.

The unique historical relationship between Morocco and Algeria plays a key role. The longstanding rivalry between the two countries has resulted in behaviour that is aimed at making sure that the other party does not benefit from the outcome of the dispute. Both Morocco and Algeria have therefore dug themselves deeply into their respective positions and do not show any interest in taking steps towards each other's position. This behaviour can be continued because, even for the conflicting parties, this conflict does not hurt all that much. Yes, the Moroccan army has to be present in the territory, which forms a burden on Morocco's financial position, and the conflict keeps the country outside the AU, but these factors do not outweigh the benefits for the Moroccan political elite: the conflict is an excellent political instrument that unites all Moroccans. Thirty years of conflict have resulted in public opinion that is convinced beyond any doubt of the 'Moroccanity' of Western Sahara. In all of the public statements that the new King Mohammed VI and his father, the late King Hassan II, have made on the issue, they have stressed that Western Sahara is part of Morocco and will continue to be so. The Algerians seem to have even more benefits and fewer costs from the current status quo. Algiers can hold on to its official position that it is not a direct party in this conflict. Supporting Polisario is not a heavy load to carry for the Algerians and the benefits are obvious: Morocco, the great rival, is blocked in its ambitions; and Algeria is ensured of an ally on the southern border of Morocco, regardless of the question of whether Western Sahara will be independent or not.

The role of the international community contributes to the status quo. The great powers involved stick to the importance of maintaining good relations with Morocco and Algeria. They would welcome a solution only if it is acceptable to all of the parties and does not require them to choose sides. This position creates an almost inescapable situation in the international legal context of the problem. The UN supports the self-determination of the people of Western Sahara, but one of the major bodies of the UN – the Security Council – refuses to commit itself to the possible outcome of this self-determination process. As long as both of these desires – self-determination but also a mutually acceptable solution – remain in place, a way out of the conflict is hard to imagine. The Western Sahara conflict is truly 'caught in the middle'.

### **Evaluating Motives**

Although perspectives for the people that suffer from the conflict, who can be found on both the Moroccan and the Polisario sides, are unpromising, the conflict in Western Sahara has shown us an important lesson: assessment of UN involvement in any international crisis or conflict should always include a thorough investigation of the true intentions. The questions asked should not only be what has been done and when, but definitely also why. The UN is a

political organization, not a unitary actor. Its goals and motives will therefore be based on the political considerations of the individual member states, especially within the Security Council. Any evaluation of third-party intervention by the UN that does not pay attention to this factor and starts from the conviction that the UN intervenes out of a desire to solve the conflict is flawed. That conclusion will hopefully help to develop research on and understanding of UN intervention.

Meanwhile, tourists visiting Morocco will have to accept that the maps that they come across show a very one-sided picture of the current geographical boundaries of the Kingdom. And they will continue to do so.

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