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**THE WESTERN SAHARA CONFLICT:
THE DILEMMA OF NATIONAL LIBERATION WAR,
REFERENDUM AND TERRORISM IN AFRICA'S LAST COLONY,
1973 – 2013**

The Western Sahara conflict was studied, given its long duration and threat to the security of both North and West Africa. Years of national liberation war by the Polisario Front, and the failure of the United Nations, since 1991, to conduct a referendum to determine the issue of independence for the Sahrawis have bred frustration, and presented the resumption of suspended hostilities, and terrorism as a viable solution to Africa's last war of independence. By interrogating diverse sources on this subject through the application of contemporary historical method, this study exposes the challenge of this prolonged conflict to the credibility of the AU and the UNO, and the danger posed by the availability of idle Polisario fighters for recruitment by terrorist groups, including Al Qaeda in the Islamic Maghreb. It concludes that only the UN implementation of its resolutions on the matter since 1963 could avert a descent into terrorism.

Keywords: *National Liberation; Contemporary Terrorism; Contemporary Africa; African Nationalism*

Introduction

The Western Sahara conflict remains unresolved over four decades after it attracted international attention, and over three decades after the Organization of African Unity (OAU), now the African Union's (AU) involvement in the crisis. Thus, the Sahrawi struggle for self determination, the last to be inaugurated, has remained the last that may be difficult to be resolved, thus making the Western Sahara, Africa's last colony. Given manifestations of contemporary terrorism represented by the Al-Qaeda in the Islamic Maghreb (AQIM) and the potentials of continued recruitment of disgruntled Sahrawis into the fold of AQIM, with dire consequences for not only North Africa,

but all countries bordering the sub-region, it is germane that the Polisario struggle be studied in its historical context. It is the expectation of this study to fully bare the causes, course and dynamics of international involvements in the conflict with a view to refocusing attention on the United Nations and AU principles which need to be invoked and enforced towards a fair and just settlement of this protracted and distorted struggle for self-determination, as embodied in appropriate UNO and AU resolutions dating back to the 1960's. Our departure, which extant studies on the subject have not emphasized,¹ is that both Morocco and Western Sahara were colonial territories one of which, Morocco has attained independence and should therefore not be allowed to pose a stumbling block to the attainment of the same goal by the remaining colony, Western Sahara.

The Colonial Origins of the Western Sahara Conflict

The conflict over Western Sahara, former Spanish Sahara could be traced back to the Berlin Conference of 1884/85 during which Western imperialist powers parcelled out African territories among themselves. The conference had shared out the Western Sahara to Spain thus, inaugurating the modern history of the Sahrawis. Before the territory was arbitrarily shared out to Spain, its people had a pre-colonial history of independent socio-political organization. The desert territory, known as Western Sahara shares common borders with Mauritania to the east, Algeria to the south, and Morocco to the north, with the Atlantic forming its limits to the west. The decision of the Berlin Conference to parcel the Western Sahara to Spain took into account, effective Spanish presence in the area before 1884. In the nineteenth century, Moroccan Kings had laid claims to Spanish territories in the region. For instance, in 1859 the Moroccan King, Sidi Mohammed IV had plunged his country into war with Spain over the Spanish fortification of Melilla. The Moroccan army was resoundingly defeated by Spanish troops who advanced menacingly on the heart of Morocco, which they could have occupied by military conquest but for British intervention. In a subsequent treaty of 1860, Morocco ceded more territories around Melilla to Spain, which had also won exclusive rights over Melilla. Morocco similarly undertook to indemnify Spain to the tune of four million pounds which was paid from Morocco's customs receipts into Spanish coffers up to the 1880's. In the same vein, Morocco signed a most-favoured-nation agreement with Spain, forbidding her from granting trading privileges

to other European powers without extending similar privileges to Spain. In effect, Spanish territories in North Africa, including the Western Sahara rested on military conquest. Western Sahara was, therefore, a colonial territory like Morocco before the latter regained her independence from France in 1956².

The problem arose when Spain refused to decolonize peacefully. Spain was a backward country which was untouched by the ravages of the Second World War and, therefore, could afford to hold tightly to her colony in the era of decolonization. Having been shielded from the aftermath of the Second World War on account of her non-involvement, Spain suffered no loss of prestige, unlike Britain and France, for instance. She was thus under no immediate compulsion to negotiate or facilitate a peaceful transfer of power to the Sahrawis, whose earlier nationalist uprisings had been brutally suppressed by Spain in 1958. Under the Spanish policy of assimilation, there was no room for the expression of nationalist sentiments by subject peoples, and the Spanish state ruled out any possibility that its colonial subjects in Africa whose territories were reorganized as overseas extensions of Spain could ever become citizens of independent African states. By conferring the status of an overseas province on Western Sahara, Spain could argue that the former became equivalent to the metropolitan provinces. By this arrangement, the colonized Sahrawis, like their metropolitan counterparts, were, on paper, entitled to the same privileges and immunities, a strategy which Spanish authorities deployed to counter criticisms of their colonial policy in Africa in the wake of the movement towards decolonization. This strategy became effective in 1956 when on the attainment of independence, Morocco immediately renewed with vigour, her claims not only to Western Sahara but also to Mauritania and parts of Mali and Algeria in furtherance of her dream of a 'Greater Morocco'. In her renewed quest for territorial aggrandizement, Morocco sought to capitalize on a hostile world opinion against the anachronistic Spanish colonialism. When Mauritania attained independence in 1960, Morocco narrowed her attention to the Western Sahara, which is rich in phosphate deposits. The discovery and development of the mineral in the 1960's however, further strengthened the resolve of Spain to cling on to the desert territory³.

The failure of Spain to decolonize peacefully could also be attributed to the character of the metropolitan government. Spain was ruled by a military dictatorship until 1975. The Spanish dictator, General Francisco Franco was at the head of an old-fashioned dictatorship, which closed all avenues to constitutional grant of independence through the grooming of a successor

African elite to which power would have been handed over as was done by France and Britain, which thereby controlled the pace of the movement towards independence in their colonies. Since she had failed to groom a successor-elite who could hold the forte and pander to her whims and caprices, Spain decided to mend fences with her former African rivals in a neo-colonial arrangement which would allow her access to the rich phosphate resources of the Western Sahara. This took the form of a Tripartite Agreement, which the dictator Francisco Franco, who died on 20 November 1975, signed, virtually on his death-bed on 14 November 1975 in Madrid, with Morocco and Mauritania. Spain undertook to transfer her administration of the Western Sahara and authority over the latter's coastal waters to the two signatory powers. It has been observed that this "ambiguous 'de-administration' rather than an authentic decolonization",⁴ had the potential to provide the Sahrawis with an opportunity to express their attitude to self determination, probably through an internationally recognized referendum. More importantly, however, it guaranteed Spanish sovereignty over the territory, freed Madrid from the possibility of a direct military confrontation with Morocco, and provided Madrid with an elbow room to manoeuvre the contending signatory powers for control of the Western Sahara.

The Western Sahara Conflict as a War of National Liberation

The Sahrawis saw in the intrigues and agreement between the colonial power and the two signatory powers a window of opportunity to re-assert their claim over, and press for the independence of the Western Sahara from Spanish colonialism. On 10 May 1973, a small group of Sahrawi intellectuals had banded together to form the *Frente Popular de Liberacion de Saguia el Hamra y Rio de Oro, or Polisario Front* (The Popular Front for the Liberation of Saguia el Hamra and Rio de Oro). In the wake of the rapprochement between Spain and the signatory powers, the Polisario Front strengthened its resolve to wrest power from Spain and forcefully resist the arrangement embodied in the Tripartite Agreement, which had reflected Moroccan and Mauritanian opposition to Spain's plan for an independent Western Sahara state after a referendum on self determination. In its resolve, the Polisario obviously drew inspiration from the fact that the Western Sahara remained a Spanish colony in spite of the fact that the United Nations (UN) had since 1963, listed it among territories to be decolonized in Africa. Besides, while Spain schemed to

manoeuvre itself out of the colony without losing face, Morocco had intensified its territorial claim and at its request the United Nations General Assembly in 1974 referred the issue to the International Court of Justice (ICJ), which, on October 12, 1975, declined to uphold Morocco's claim of territorial integrity over the Western Sahara. By this ruling, the ICJ upheld the principle of self determination for the Sahrawis. Rather than accept the ruling of the world court, King Hassan II of Morocco organized a so-called 'Green March' on 6 November 1975 in which 350,000 unarmed Moroccans occupied Western Sahara to assert Morocco's claim over it. The Green March aroused the patriotic passions of Moroccans and signalled the beginning of military action on the Moroccan side, thereby boosting the waning popularity of the Moroccan monarch. The Mauriticians also expressed their rejection of the ICJ's ruling and the Spanish intentions on the Western Sahara. Consequently, on November 16, 1975, an overwhelmed Spain formally signified her intention to withdraw from the territory and to transfer the Western Sahara to a joint administration of Morocco and Mauritania⁵.

The Moroccan King, in effect sought to capitalize on the reassertion of Moroccan claim to the Western Sahara to stabilize his regime. Since he assumed power in 1961, King Hassan II, partly due to his despotic tendencies and partly to the general impoverishment of the population which was worsened by the effects of declining food production in the country, had had to contend with a stiff opposition. He maintained his firm grip on power by the brutality, including political assassination with which he silenced dissenting voices. Through this method, royal absolutism reduced "the political class into clients of the King..., and, from about 1971, into tied subsidiaries of a royal dictatorship"⁶. This notwithstanding, there was an attempt by the King's janissaries to assassinate him in 1971. The vehemence with which he resisted any resolution of the Western Sahara issue in favour of self determination was obviously a self survival gambit which was aided by the failure of the colonial power to be decisive. The Spanish authority, weakened by a powerful domestic opposition which strongly questioned the wisdom of the official colonial policy on Western Sahara, could not risk war with the sabre-rattling Morocco and Mauritania, which like Spain were under dictatorships. On 26 February 1976, Spain formally relinquished her administration of the Western Sahara to Morocco and Mauritania, thereby setting the stage for the launch of the war of national liberation by the Polisario Front.

The Madrid Agreement was a recipe for violence. The Polisario

Front, drawing inspiration from Algeria, which had gained independence in the aftermath of a fierce national liberation war against France, rejected Spain's partition and handover of Western Sahara to Morocco and Mauritania. The Front, on 27 February 1976, proclaimed the Sahrawi Arab Democratic Republic (SADR), and the launch of an armed struggle, the war of national liberation to wrest the independence of SADR from the colonial power and from the African signatory powers of Mauritania and Morocco between which it was purportedly partitioned. The Polisario Front also established new structures of the new state, designed to raise the political consciousness of the Sahrawis. To this end, Polisario congress adopted a new constitution laying down the revolutionary political orientation of the movement. The constitution set up the Command Council of the Revolution as the supreme body of the state, with a government and democratically elected National Council which enjoyed wide legislative powers. At the lower tier were people's committees in all camps (Wilayas), representatives of which attended area (daira) congresses. To defend the new state was the Sahrawi People's Liberation Army which was at the disposal of the Command Council of the Revolution to wage a concomitant fierce desert war⁷. To be sure, the Sahrawi rejection of their subject status was consonant with manifestations of the nationalism of subject peoples, who strive for political and cultural emancipation. Such nationalism describes the struggles of groups who, though constituting a majority in their territories find themselves in a position of minorities with respect to the state to which they belong. In their reaction, the Sahrawis thus rejected their status of inferiority, the denial of political and cultural self-expression to, and the imposition of alien rule and custom upon them. Simmons Symonolewicz posits that only such social movements striving for national liberation can be legitimately categorized as nationalist movements⁸.

The Sahrawi embrace of national liberation war was understandable. They were pricked by the treacherous manner in which Western Sahara was illegally shared out to local imperialists in Morocco and Mauritania, thereby thwarting their efforts at attaining independence. Excluded from the gains of a stalled independence, they had no option but to oil their weapons of war to reclaim their identity in a sovereign state of their own, and halt the mindless plundering of Sahrawi resources. By mending fences with Morocco and Mauritania, whose troops immediately occupied the territory on Spain's withdrawal, the departing colonial power had hoped to continue to have access to the rich phosphate resources and fishes of the Western Sahara, in addition

to other benefits. Thus, in 1977, Morocco signed a fishing treaty with Spain which by 1981, would fetch Spanish fishermen a bounteous haul worth U.S.D \$500. In complementary agreements expedited by the Tripartite Agreement, Spain further won concessions which guaranteed her a privileged position in the exploration and exploitation of phosphates in the Western Sahara's Bou Craa complex. Spain reciprocated through the supply of arms to Morocco up to 1977. The Polisario Front launched a fierce desert war which it combined with political pressures on the Spanish government that contended with a fierce opposition at home. This yielded positive results as Spanish opposition parties, called on the metropolitan government to repudiate the Tripartite Agreement of 1975. Polisario fighters further attacked Spanish fishing fleet, and kidnapped eight Spanish fishermen in 1978. The fishermen were released only after a communiqué at the end of its fourth congress in September 1978 signed by a representative of Spain's ruling *Union del Centro Democratic* (UCD), Javier Ruperez, recognized the Polisario Front as the only legitimate representative of the Sahrawis. This action was a precursor to Spain's repudiation, in September 1978, of her claims to Western Sahara, and request to the United Nations to intervene in the conflict with a view to upholding the rights of the Sahrawis to self-determination. Spain further supported the Sahrawi right to self-determination in 1980 as a basis for a political solution to the conflict⁹.

It has been suggested that the Polisario derived the impetus for its declaration of its national liberation war from Algeria, which since her independence in 1963 had competed with Morocco for regional supremacy. Born of a bloody, anti-colonial war, Algeria is said to have been incensed by Morocco's treachery, and uncomfortable with the potential pre-eminence of a conservative monarchy in the region. She thus sought to fight a proxy war as it were with Morocco in the Western Sahara. Algeria's promotion of a Canary Island Liberation Movement had further compounded matters for Spain. Algeria was no doubt instrumental to the military and diplomatic victories of SADR over Morocco by 1984¹⁰. But it is important to note that the initial stimulus for SADR's struggle for self-determination must be sought in the Sahrawi victory over Morocco at the ICJ, in 1975. Indeed, the evidence suggests that Algeria was supportive of, or at least condoned the Madrid Agreement. Her *volte face* came as a result of Morocco's failure to ratify the *Ifrane* Treaty of 1969 between Morocco and Algeria which had been intended to resolve the border war between the two countries by demarcating their shared international boundary. Algeria, having ratified the treaty in May

1973, was suspicious that Morocco which reneged on her commitment to its ratification would renew her claims over the disputed territory once her possession of the Western Sahara was consummated. Moroccan acquisition of the Western Sahara had the potential to considerably increase her size and bring about her encirclement of Algeria, thereby denying the latter access to the Atlantic Ocean. Algerian support of the Polisario liberation war was, therefore, born out of her national economic and geopolitical self interest, including the preservation of “a stable equilibrium” which could uphold Algerian regional leadership that Moroccan acquisition of the Western Sahara could upset. It was not born out of her principled commitment to a path through which she had travelled to independence, but was compelled by initial Sahrawi military exertions which exposed Algeria’s “claims to Third World and revolutionary legitimacy” to a credibility crisis, if she “failed to defend the Sahrawis’ right to independence”¹¹.

The Polisario Front won more diplomatic victories through its recognition by the OAU. This recognition came at a time when Mauritania’s withdrawal from the conflict had weakened France’s meddlesomeness in the conflict. France, the spearhead of the renewed Western imperialist designs on Africa in the era of the Cold War¹², impressed by the pro-Western policies of Morocco, had influenced the signing of the Tripartite Agreement, and sided with the ‘Greater Morocco’ project, thereby propping up Morocco’s intransigence on the Western Sahara, ostensibly to guard against the multiplication of micro states in Africa. No doubt, France, which approved of the cooperation on the conflict between Morocco and Mauritania, one of her neo-colonies, was further driven by the prospect of access to the rich phosphate resources of the Western Sahara, which would supplement her equally rich gains from her plundering of the iron ore resources of Mauritania. Obviously egged on by these considerations, France, for the ostensible reason that her nationals were attacked by Polisario nationalists, had intervened militarily against the Polisario Front from 2 December 1977 to 10 July 1978, when the pro-imperialist regime of Mokhtar Ould Daddah of Mauritania was overthrown in a military coup d’état. The successor military regime formally withdrew Mauritania from the conflict on 5 August 1979, due to the deleterious effects of the war on her fragile economy, leaving in the cold, France which succumbed to pressures from Algeria to recognize SADR¹³.

OAU Membership for SADR and Recognition of Sahrawi Right to Self Determination through UN Supervised Referendum

It was in these circumstances that the OAU Summit of 1978, in its first concerted effort on the Western Sahara, belatedly set up a committee of so-called “Five Wise Men”. Among other recommendations of the committee were an all-parties conference and the recognition of the right of the Sahrawis to self-determination. These recommendations opened the way for the recognition of the SADR by many African states such that in 1979, when the Monrovia Summit of the OAU endorsed the recommendations, SADR already enjoyed the recognition of 17 African states¹⁴. The Polisario, buoyed by this development and a string of military successes which exposed the Achilles’ heel of Morocco, sought to underplay Arab and Western support for Morocco by conducting a group of journalists on a 1000 kilometre drive through the northern sector of Western Sahara. This exercise showed that the nationalist body had not only taken the battle some one hundred kilometers into southern Morocco, but that indeed Moroccan troops were confined to a small triangle bounded by Hagounia, Smara and Boujdor. This stark reality probably moved Spain to recognize the need for the grant of independence to the Western Sahara. In the same vein, the Soviet Union, with her eyes more focused on the strategic position of Morocco and the rich phosphate resources of the Western Sahara, access to which could be more guaranteed by her support of Moroccan adventurism sympathized with the Sahrawis, while insisting that only a “UNO-OAU supervised referendum” held the key to a resolution of the conflict¹⁵.

The OAU support of the Sahrawi right to self-determination, and the increasing support for the course of nationalism by Libya, South Yemen, Syria, Tunisia, and the countries of the Sahel region alongside Algeria did not end the conflict in favour of the Polisario. Rather, it exposed the duplicity of France and Spain, which in reality, encouraged Morocco, to inaugurate a new phase of the war in 1980 to effectively blunt the tip of the Polisario push for a decisive military victory. Morocco adopted the wall-building warfare strategy which involved the building in the disputed territory of a series of electronic warfare walls, complemented with tens of thousands of troops. The walls enclosed the so-called useful triangle in the north west, comprising the phosphate mines at Bou Craa, the city of Smara, and the old Spanish colonial capital of El-Ayoun. By 1985, the walls stretched from the Algerian-Moroccan border in the north to the city of Dakhla in the south, affording the Moroccan armed forces

the control of 2700- kilometre defence line. Its mounted radar and sensors facilitated detection of Polisario Front fighters by Moroccan troops, numbering about 120,000 by 1986. This colossal security belt left Morocco in physical control of at least 2/3 of the Western Sahara, including the urban settlements and the valuable phosphate mines but at a cost of U.S.D \$1,000 million per annum.

The Polisario gained more international support in the face of Moroccan intransigence. By 1987, 70 countries from Africa, Latin America, Oceania, Asia, and one European country had recognized the SADR. This was after the OAU had at its November 1984 Addis Ababa Summit taken the unprecedented decision to admit the SADR as a full-member state, with its president, Mohammed Abdelaziz elected as one of OAU'S eight vice-presidents. OAU's action was subsequently endorsed by the Non-Aligned Movement's foreign ministers' conference held in Luanda in September 1985. This was followed in December 1985, with a UN General Assembly resolution ratified at the world body by 92 votes to seven, with 39 abstentions. The resolution was an endorsement of an earlier OAU resolution AHG 104, which had called on Morocco and the Polisario to engage in direct negotiations aimed at achieving a ceasefire and creating conditions for a peaceful and fair referendum, under the auspices of the OAU and the UNO, without any administrative or military encumbrances¹⁶.

Yet, Morocco remained defiant, and in fact withdrew her membership of the OAU. Moroccan intransigence is accounted for by the backing which she enjoyed from the United States of America. American support for Morocco was hinged on the former's Cold War strategic considerations. Morocco is strategically located astride the Mediterranean Sea's entrance in northwest Africa, and provided transit facilities for the U.S rapid deployment force at her airbases. Morocco was further supported by the Kingdom of Saudi Arabia, with the funding of her arms purchases. The two conservative monarchies were U.S pawns in the Cold War diplomatic chessboard of the Mediterranean and the Persian Gulf. Indeed, Basil Davison's analysis of the root source and driving force of contemporary Africa's crises in 1987 applies with much force to the Western Sahara conflict, namely the Cold War exercised "a conditioning effect which has greatly distracted the course of African history in these thirty years, and hugely conflicted the difficulties, in any case large, of the struggles for post-colonial change and reconstruction"¹⁷.

In 1989, however, the rise to power in the Soviet Union of Mikhail

Gorbachev tended to sweep Cold War calculations to the dustbin of history. Through his twin reform policy of Perestroika and Glasnost, designed to create a more open and competitive Russian society, it became clear that combatants hinging sustenance of their struggle on Cold War calculations would have to learn to be self-sustaining. The result was a dramatic abhorrence of conflicts, and drive towards peaceful resolutions of conflict on a global scale. Osofisan has documented the far-reaching impact of the Gorbachev ascendancy on the outbreak of peace globally:

*...recently, the epidemic which seemed to have broken out, and was spreading everywhere, was something called peace.
...this outbreak of peace was a fall out from Gorbachev's Glasnost and Perestroika, the Russian man's campaign both for a more open and more competitive (acquisitive?) society, and for a world of reduced ideological tensions.
... And the result is that other antagonisms, especially those fuelled by these ideological ideas, lose their sense and sustenance¹⁸.*

Lamine Bali, a Polisario representative acknowledged the impact of these reforms on the nationalist body's sudden meeting with king Hassan of Morocco, when he spoke to West Africa:

After fourteen years of war, it is time for a political settlement. It is clear to all that a military solution is not a real solution to the conflict. Also, the meeting has come in a period of détente, meetings between the Soviet Union and the U.S, settlement of a number of conflicts. On the regional level, there is reconciliation between Tunisia and Libya, between Morocco and Algeria, and there is no reason why there should not be reconciliation between the SADR and Morocco¹⁹.

The failure of OAU – UN referendum, and the dilemma of terrorism in the Western Sahara

Any hope of a speedy resolution of the conflict foreboded by the effect of the Gorbachev reforms floundered on the uncompromising attitudes of Morocco and Algeria. Morocco refused to recognize the Sahrawi struggle as a national liberation war and insisted, instead, that it was a proxy war being waged against her by Algeria, which could therefore only be resolved by the two nations. The meeting between King Hassan of Morocco and the Polisario was held after

Morocco had rejected Polisario overtures for such a rapprochement. It would appear that King Hassan II agreed to the meeting not necessarily due to the effects brought on by the end of the Cold War, but primarily due to his belief that the Polisario Front leadership was too splintered and weakened by defections to Morocco to be able to sustain the war. The meeting, however, facilitated the UN negotiation of a ceasefire between the warring parties which became effective in 1991, and heightened expectations that the much awaited OAU-UN referendum would be conducted without delay. When representatives of Morocco and the Western Sahara met in Geneva in June 1990, the issue of those eligible to participate in the referendum was settled, namely the 73,497 Sahrawis based on the 1974 census, who would choose either independence for the Western Sahara, or her integration with Morocco²⁰. This seemed to be an improvement on the 1981 situation. In that year, a UN-OAU committee had recommended a fair and impartial referendum to provide the indigenous Sahrawis with an opportunity to freely and democratically determine the future of their territory. King Hassan of Morocco had disagreed with the OAU suggestion that the referendum be open to all Sahrawis, including those Saharan refugees who were outside the SADR territory. Instead, Morocco had insisted that the referendum be restricted not only to the 73,497 Sahrawis on the basis of the 1974 census but should also be controlled by her²¹.

The Settlement Plan embodied the OAU-UNO referendum, which the UN Security Council in Resolution 690 of 29 April 1991, approved. The Plan envisaged a ceasefire, and a 'transitional period' culminating in a referendum. It was expected that the 'transitional period' which would cover the period from the commencement of ceasefire to the proclamation of the result of the referendum would not exceed 20-26 weeks. The United Nations Security Council in its Resolution 690 also established the UN Mission for the Organization of a Referendum in the Western Sahara (MINURSO), which would serve as a peacekeeping mission²². The ceasefire became effective as from September 6, 1991, but the referendum could not hold as scheduled due to a number of reasons. Added to delays in the exchange of prisoners between Polisario and Morocco, and the repatriation of the Sahrawi refugees from outside SADR territory was a major confusion about the issue of voter eligibility for the referendum. Above all, Johannes Manz of Switzerland, who was the UN Special Envoy, charged with the leadership of MINURSO and the conduct of the referendum, resigned his appointment, compelling the UN Secretary General, Perez de Cueller to propose the postponement of the

referendum to the Security Council.

The main issue was the confusion over the eligibility criteria, which both parties argued were changed by the UN Secretary General, who had insisted that voting rights be extended to all Sahrawis not captured by the 1974 census because it would be unfair to deny those who fled their country from colonial domination the right to decide the future of the country which they belonged to²³. His insistence was based on the mandate bestowed on an Identification Commission created by the plan to create a voters list which would incorporate all Western Saharans of 18 years and above captured in the 1974 census, whether they were resident in the territory or out of it as refugees. The commission was further mandated to update the 1974 census by deleting the names of all those who had since died, and considering applications from Sahrawis whose names were omitted from the 1974 census.

The attempt to solve the problem through the appointment of James Baker III, in 1997 as the UN Secretary General's Personal Envoy for Western Sahara ran into similar hitches, such that in 2003 Morocco completely withdrew from the referendum process over the Identification Commission's denial of eligibility status to a majority of prospective voters submitted by her. Only 86,426 of all 250,000 applicants were considered to be "eligible voters" by the commission. James Baker, to win back Morocco to the process, proposed a Framework Agreement recognizing her as the 'Administering Power' in the Western Sahara, while devolving some powers of governance to the 'inhabitants' of the territory for five years, before the referendum could be held. In effect, Baker introduced a strange element into the Settlement Plan, namely the eligibility of non-Sahrawis to vote in the referendum, which would include the issue of autonomy within the State of Morocco for Sahrawis. The Polisario rejected the Framework Agreement, which the Secretary General had accepted. Thus Baker proposed his 'Peace Plan' which provided for a third option of a semi-autonomous Western Sahara that would govern over a five year transition period, a new voter eligibility based on (1) a voters list to be published by MINURSO, or (2) a UNCHR repatriation list for the period up to October 31, 2000, or (3) all those who had resided continuously in the territory for an agreed period up to the date of the provisional voters list, December 30, 1999.

The UN Security Council and the Polisario accepted the Peace Plan, but it was totally rejected by Morocco which ruled out any option of independence for the SADR, even if all applicants previously rejected by

the Identification Commission were included. In April 2007, she proposed, instead to integrate Western Sahara as an 'autonomous region' into Morocco whose unity and sovereignty would be preserved under the Moroccan Initiative for Negotiating an Autonomy Statute for the Sahara Region. The Polisario, suspicious of Moroccan claim that her statute guaranteed Sahrawis an opportunity to choose independence from, or integration into Morocco, published an alternative plan, which reaffirmed their commitment to self-determination through a UN monitored referendum²⁴. The UN Security Council reacted to these presentations through the issuance of Resolution 1754, which called on the parties to engage in direct negotiations without preconditions so as to guarantee a Political Solution that would be mutually acceptable and provide for self-determination for the Sahrawis. To implement the new Initiative was a new UN Secretary General's Personal Envoy, Peter van Walsum of the Netherlands, who met severally with representatives of both parties in Manhasset, Long Island in the U.S.A. in 2007. Within a year of the new initiative the new Personal Envoy was relieved of his post on the basis of Polisario criticism of his pro-Morocco sympathies. He had claimed that an independent Western Sahara was no longer a viable option because it was not a realizable objective²⁵.

It is important to stress, however, that Resolution 1754 was flawed *ab initio* and therefore unworkable. Not only did it fail to define its concept of 'negotiations without pre-conditions', as well as its expectations from such negotiations, but it had further compounded issues by expecting a mutually acceptable political solution from Morocco and the Polisario Front. Morocco was rigid about her claim of sovereignty over the Western Sahara, while the Polisario was committed to the independence of the territory, an option which Morocco considered an affront on her territorial integrity. The Security Council yet continued to insist on a mutually acceptable political solution, even while admitting that it lacked the wherewithal to enforce any outcome of its proposed referendum. Consequently, by "linking self-determination with independence, while no action is taken to make it happen", the United Nations Security Council "has only contributed to the irresolution of the conflict"²⁶

Morocco frustrated any scheme which upheld referendum in the Western Sahara as a way of resolving the conflict, even when a new Special Envoy, Christopher Ross mounted the saddle in 2008, and in spite of the UN Security Council Resolution 1871. Moroccan attitude which the UN Envoys to Western Sahara seemed to have accepted was responsible for the failure, yet

persistence of UN intervention in the Western Sahara crisis. As articulated by James Baker (quoted in Sola-Martin):

This is a really low intensity, low level dispute. Look, there's no action forcing event on the Western Sahara conflict. Morocco has won the war. She's in possession. Why should she agree to anything? And so she is disinclined to do so. Well, there's one very good reason why she should, because she will never receive the imprimatur of international legitimacy for her occupation of the territory unless she works out some arrangement that is blessed in the international community, blessed by the Security Council, or acceptable to the other party. That's why we work so very hard on the idea of an initial autonomy arrangement with self-government and then a referendum at the end of the test, the requirement of the Security Council for self-determination²⁷.

When the United Nations assumed responsibility over the Western Sahara, it was guided by the principle of self-determination as enshrined in Chapter XI of its Charter on Non-Self Governing Territories which tasks colonial powers on the development of the self government of such territories, taking into account their political aspirations. In 1960, the principle was made explicit through the General Assembly Resolution 1514 (XV) which relates to the Granting of Independence to Colonial Countries and Peoples, namely that all peoples not only have the right to self-determination, but are entitled to freely determine their political status, including the freedom to pursue their economic, social and political development. By Resolutions 1514 and 1541, the General Assembly extended such rights to groups with distinct geography, culture or ethnicity vis-à-vis those of the colonial power but “yet are subordinate to another state”. Thus the United Nations related the right to self-determination to ‘the right to decolonization and attainment of self-government’ for non-self governing peoples through “a process that takes into account the freely expressed will of the people”. Despite the Tripartite Agreement of 1975, therefore, Western Sahara, since 1963, had remained on the UN’s list of Non-Self Governing Territories, and consistently been so recognized by the appropriate organs of the United Nations, members of the Security Council, as well as the General Assembly and the African Union in various AU Resolutions. On the contrary, neither the UN, nor any state in the world has recognized Morocco’s assertion of sovereignty over Western

Sahara²⁸.

The principle of self-determination governs all matters of decolonization – the affected peoples freely decide where they want to belong via a referendum organized by the United Nations. This explains why referendum, self-determination and independence continued to feature in UN Resolutions, or other proposals on the conflict. It also accounts for the Polisario rejection of any proposals which sought to abridge their right to self-determination., and the failure of the international community to accept Morocco's offer of unilateral integration of the Sahrawis into Moroccan territory. It equally explains why not even the UN can impose its decision on the matter. But it fails to explain why the issue remains stalemated. The evidence suggests that interests extraneous to the conflict were responsible for its prolongation. For instance, the United States of America, which had maintained a neutral position on the conflict had by 2004, implemented a policy shift in support of Morocco. In that year, the U.S., Spain and France supported Morocco's proposal of integration of the Western Sahara as part of her Saharan provinces. In this policy shift, it would appear that the overriding consideration was Morocco's cooperation with the United States in her anti-terrorism war in Northwest Africa. The United States would not support any settlement that would destabilize the Moroccan monarchy, given America's premium on her relationship with Morocco not only as a principal partner and major ally in the antiterrorism war, but also as a valued power player in her policy on the Middle East, and democratic reform agenda in the Arab world. Conversely, Algeria, in her support of the Polisario, was comfortable with the relative isolation of Morocco over the crisis, which helped to thwart the latter's regional ascendancy ambitions. The Polisario later enjoyed the support of Cuba, Venezuela, South Africa, as well as widespread support in Spain, and among some parliamentarians in Europe and the United States²⁹, for the principles of the United Nations on decolonization, or out of lingering scores they had to settle with the United States.

The lack of concrete progress in the United Nations intervention in the Sahrawi conflict meant that the Western Sahara became a millstone for the world body, as the Non-Self-Governing Territory remained the last colony that may never be decolonized, a major symbol of failure, and dent on an otherwise proud history of support for decolonization. It is this grim possibility that had heightened frustration, tension, feeling of disappointment, betrayal and abandonment, and presented terrorism as a viable alternative to an elusive referendum. So palpable was this anxiety that the Polisario leadership tended

to accept the reality that “the long period of waiting, the disappointments, as well as some ideas having currency in the Maghreb may somewhat influence... young Sahrawis...who are interested in radical Islamism”. This group began to accept violence as the surest way for the Sahrawi realization of their movement towards independent statehood. The ascendancy of such extremist views seemed an imminent possibility, given that after the signing of the 1991 ceasefire agreement, many Polisario fighters withdrew into Mauritania, just as other young groups with highly impressionistic minds went into Algeria, and in both cases were exposed to violent tendencies of the Islamist extremist orientation. This strand became attractive and strove to fill the vacuum created by the end of the Cold War which had discredited the pseudo-Marxist orientation of the Polisario leadership, and made renewed armed struggle underpinned by an Islamist ideology a credible strategy to end the conflict. There was evidence which suggested that there were Polisario links in the widespread incidences of kidnapping of Westerners by Al-Qaeda in the Islamist Maghreb (AQIM) in Niger, Mali, Tunisia, Mauritania-Mali border, Polisario administered refugee camps in Tindouf, Algeria, which were populated by frustrated and idle Polisario fighters who had taken to militancy, criminality and banditry, as well as AQIM's sustained armed attempts to dismember Mali between 2011 and 2013, when the mandate of the MINURSO was expected to expire. It was against this background that the UN Secretary General, Ban Ki-Moon in April 2013, advocated the urgent resolution of the Sahrawi conflict “as part of a broader strategy for the Sahel”, given “the rise of instability and insecurity in and around the Sahel...”³⁰.

Conclusion

The Western Sahara conflict, by 2013 had remained unresolved, even though the Sahrawi Arab Democratic Republic (SADR) was a member state of the African Union, unlike Morocco which suspended her membership of the continental body by 1984. As it were, the African Union which at the Cairo Summit of 1964 had resolved to respect and maintain the boundaries laid down by the former colonial powers and to recognize same as the unalterable boundaries of the respective African states on their attainment of independence, lacked the political will and wherewithal to ensure Morocco's acceptance of this tangible reality, which she had rejected at the Cairo Summit³¹. Thus, a non-member state of the African Union for about three decades held the African continent to

ransom and single handedly posed a stumbling block to the Sahrawi attainment of independent statehood. The United Nations could not break the impasse even though the Western Sahara had featured since 1963 on its list of Non-Self-Governing Territories, and in spite of the numerous resolutions and measures adopted by the Security Council to comply with the UN Charter and facilitate the attainment of independence by the Sahrawi through a UN organized referendum, the framework of which the world body had established in 1991. A referendum which it had scheduled to organize in January 1992, to pave way for the independence of the Western Sahara still remained a thorny issue by 2013, in spite of the presence of MINURSO. In effect, it could be said that all avenues for the peaceful resolution of the conflict had been fully stretched with no tangible result, thereby leading to frustration, anger, loss of confidence in both the UN and AU, and making resumed armed struggle through every available means, including terrorism which by 2013 was readily provided by Al-Qaeda in the Islamic Maghreb (AQIM), a viable alternative. The United Nations should, therefore, shake-off all encumbrances militating against its compliance with its own principles of self-determination through referendum for all Non-Self-Governing Territories and bring lasting peace through independence to the occupied Western Sahara.

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Endnotes

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21. Orabator, 177-78
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