



Western Sahara: Status of Settlement Efforts

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Summary

Since the 1970s, Morocco and the independence-seeking Popular Front for the Liberation of Saqiat al Hamra and Rio de Oro (Polisario) have vied for control of the Western Sahara, a former Spanish territory. In 1991, the United Nations arranged a cease-fire and proposed a settlement plan that called for a referendum to allow the people of the Western Sahara to choose between independence and integration into Morocco. A long deadlock on determining the electorate for a referendum ensued. The U.N. then unsuccessfully suggested alternatives to the unfulfilled settlement plan and later called on the parties to negotiate. In April 2007, Morocco offered an autonomy plan. In 2007 and 2008, the two sides met under U.N. auspices, but made no progress due to their unwillingness to compromise. The issue has affected Algerian-Moroccan bilateral relations and wider regional cooperation. The United States supports the U.N. effort and has urged the parties to focus on autonomy—a solution that would not destabilize its ally, Morocco. Some Members of Congress support a referendum and are frustrated by delays. P.L. 110-161, December 26, 2007, contains a provision expressing concern about human rights in the Western Sahara. This report will be updated if developments warrant. See also CRS Report RS21579, *Morocco: Current Issues*, by Carol Migdalovitz, and CRS Report RS21532, *Algeria: Current Issues*, by Carol Migdalovitz.

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History

The territory now known as the Western Sahara became a Spanish possession in 1881. In the mid-1970s, Spain prepared to decolonize the region, intending to transform it into a closely aligned independent state after a referendum on self-determination. Morocco and Mauritania opposed Spain's plan and each claimed the territory. Although their claims were based on historic empires, the Western Sahara's valuable phosphate resources and fishing grounds also may have motivated them.¹ At Morocco's initiative, the U.N. General Assembly referred the question to the International Court of Justice (ICJ). But, on October 12, 1975, the ICJ ruled in favor of self-determination for the Sahrawi people. In response, on November 6, 1975, King Hassan II of Morocco launched a "Green March" of 350,000 unarmed civilians to the Western Sahara to claim it. Spanish authorities halted the marchers, but, on November 16, Spain agreed to withdraw and transfer the region to joint Moroccan-Mauritanian administration.

The independence-seeking Popular Front for the Liberation of Saqiat al Hamra and Rio de Oro, or Polisario, founded in 1974, forcefully resisted the Moroccan-Mauritanian takeover. In the 1970s, about 160,000 Sahrawis left the Western Sahara for refugee camps in Algeria and Mauritania. With Algeria's support, the Polisario established its headquarters in Tindouf, in southwest Algeria, and founded the Sahrawi Arab Democratic Republic (SADR) in 1976. Mauritania could not sustain a defense against the Polisario and signed a peace treaty with it, abandoning all claims in August 1979. Morocco then occupied Mauritania's sector and, in 1981, began to build a berm or sand wall to separate the 80% of the Western Sahara that it occupied from the Polisario and Sahrawi refugees. Morocco's armed forces and Polisario guerrillas fought a long war in the desert until the U.N. arranged a cease-fire and proposed a settlement plan in 1991.

U.N. Security Council Resolution 690 (April 29, 1991) established the United Nations Mission for the Organization of a Referendum in the Western Sahara (MINURSO) and called for a referendum to offer a choice between independence and integration into Morocco. However, over the next decade, Morocco and the Polisario differed over how to identify voters for the referendum, with each seeking to ensure an electoral roll that would support its desired outcome. In March 1997, U.N. Secretary-General Kofi Annan named former U.S. Secretary of State James A. Baker III as his Personal Envoy to break the deadlock. Baker brokered an agreement to restart voter identification, which was completed in 1999 with 86,000 voters identified. MINURSO then faced more than 130,000 appeals by those denied identification as voters who were supported by Morocco. U.N. Security Council Resolution 1301 (May 31, 2000) asked the parties to consider alternatives to a referendum. The U.N. concluded that processing appeals could take longer than the initial identification process and that effective implementation of the settlement plan would require the full cooperation of Morocco and the Polisario, and the support of Algeria and Mauritania. Because Morocco and the Polisario would each cooperate only with implementation that would produce its desired outcome, full cooperation would be difficult or impossible to obtain. The U.N. also stated that it lacked a mechanism to enforce the results of a referendum.

¹ The possibility of oil and gas reserves (as yet unproven) off the Atlantic coast surfaced years later and has probably increased both sides' desire for the region, but the lack of a resolution to the Western Sahara dispute deters exploration.

The Baker Plan and Subsequent Developments

The Secretary-General's June 20, 2001, *Report on the Western Sahara* proposed a framework agreement that became known as the Baker Plan to confer on the population of the Western Sahara the right to elect executive and legislative bodies and to control a local government and many functional areas. The executive would be elected by voters identified as of December 1999, that is, by an electorate favoring the Polisario and excluding Moroccan-supported appellants. Morocco would control foreign relations, national security, and defense. A referendum on final status would be held within five years, with one-year residence in the Western Sahara then the sole criterion for voting. That electorate would favor Morocco by including its settlers as well as native Sahrawis.² Annan hoped that Morocco, the Polisario, Algeria, and Mauritania would negotiate changes acceptable to all. After Baker met representatives of Algeria, Mauritania, and the Polisario, however, Annan, on his and Baker's behalf, doubted the parties' political will to resolve the conflict and cooperate with U.N. efforts.³ The Security Council could not agree on a new approach and both sides and Algeria rejected partition.

In January 2003, Baker presented a compromise that did not require the consent of the parties.⁴ It would lead to a referendum in which voters would choose integration with Morocco, autonomy, or independence. Voters would be Sahrawis on the December 1999 provisional voter list, on the U.N. Office of the High Commissioner for Refugees repatriation list as of October 2000, or continuously resident in the Western Sahara since December 30, 1999 (therefore including Moroccan settlers). The U.N. would determine the voters, without appeal. In the interim, a Western Sahara Authority would be the local government and Morocco would control foreign relations, national security, and defense.

Morocco objected, mainly questioning why the U.N. was reviving the referendum option; it also was upset by the use of the word "independence" instead of the vaguer "self-determination" to describe an option.⁵ On April 9, 2004, Morocco declared that it would only accept autonomy as a solution.⁶ It called for negotiations only with Algeria, insisting that the Sahara is a bilateral geopolitical problem. Underlying these views was a rejection of any challenge to Morocco's physical possession of the territory. Algeria concluded that the Baker Plan was a "gamble" that should be taken and the Polisario accepted it, too. Algeria declined to negotiate, insisting that it is not a party to the dispute and not a substitute for the Sahrawis. The Polisario rejected autonomy and insisted on the right to choose self-determination in a referendum.

James Baker resigned as the Secretary-General's Personal Envoy in June 2004. The Baker Plan has not been mentioned in Security Council resolutions since then. In July 2005, Annan appointed Danish diplomat Peter van Walsum as his new envoy. Van Walsum indicated that he could not draft a new plan because Morocco would only endorse one that excludes independence, while the

² U.N. Security Council, *Reports of the Secretary-General on the Situation Concerning Western Sahara*, S/2001/613, June 20, 2001, and S/2002/41, January 10, 2002. U.N. documents are accessible via <http://www.un.org>.

³ *Ibid.*

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

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

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

U.N. could not endorse a plan that excludes a referendum with independence as an option. He concluded that the remaining options were deadlock or direct negotiations. Since the former was unacceptable, responsibility rested with the parties. Van Walsum also reported that the Western Sahara was not high on the international political agenda and that most capitals seek to continue good relations with both Morocco and Algeria. Hence, they acquiesce in the impasse.⁷

Security Council Resolution 1754 (April 30, 2007) called on Morocco and the Polisario to negotiate without preconditions on a political solution that will provide for the self-determination of the people of the Western Sahara. In 2007 and 2008, the two sides met and held consultations with van Walsum four times at Manhasset, New York, but neither was willing to discuss the other's proposals, i.e., Morocco's for autonomy and the Polisario's for a referendum. Algeria, Mauritania, and other interested countries were present. In April 2008, van Walsum stated that "an independent Western Sahara is not a realistic proposition," prompting the Polisario to accuse him of bias in favor of Morocco, call for his replacement, and refuse to return to negotiations. Secretary-General Ban Ki-moon did not reappoint van Walsum in August. Talks have not resumed. The Secretary-General is expected to name U.S. diplomat Christopher Ross to replace van Walsum. The U.N. also has been supporting confidence-building measures, e.g., exchanges of family visits and telephone calls between Western Saharan residents and the refugees.

Moroccan and Algerian Views

Morocco and Algeria are rivals with different decolonization histories and different political systems. Algeria emerged from a bloody revolution with a leftist orientation, while the Moroccan monarchy survived intact from a much less violent struggle with France. Almost since independence, the neighbors have competed for regional preeminence, and the Western Sahara is where the contest is now joined.

From the beginning, the Western Sahara issue has unified Moroccans and reinforced support for a monarchy that had survived two coup attempts. King Mohammed VI has strongly reasserted Morocco's claim to the region since he ascended to the throne in July 1999. Although the territory may be a short-term financial liability, its actual and potential resources may be a long-term economic boon. Furthermore, Moroccan authorities see the Western Sahara as a check on Algeria's regional ambitions being pursued via what they consider Polisario surrogates. On April 21, 2001, the King suggested decentralization as the best option for the Sahara and, in November 2002, he declared that a political solution must respect Morocco's territorial integrity.⁸ Morocco has markedly increased investment in the region to reinforce its claim to sovereignty. On April 11, 2007, Morocco presented an autonomy plan for the Western Sahara under Moroccan sovereignty, without the prospect of independence, for negotiation to the U.N. Secretary-General.⁹

Abdelaziz Bouteflika became President of Algeria in April 1999. An activist in the Algerian revolution, he and his countrymen sees the Western Sahara as one of the world's last decolonization campaigns. If the Polisario won control of the region, Algeria would benefit by gaining access to the Atlantic Ocean. Should the issue simply simmer, it still is a low-cost way to keep Morocco bogged down. Algeria has unwaveringly supported its protégé's desire for self-

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

⁸ "Moroccan King Buries W. Sahara Referendum Idea," *Reuters*, November 7, 2002.

⁹ For text, see http://www.map.ma/eng/sections/politics/sahara_issue_full_t/view.

determination. Algeria and the Polisario reject the Moroccan autonomy plan and insist on a referendum on self-determination. With strong ties in sub-Saharan Africa, Algiers is probably responsible for the SADR's African Union (AU) membership and for many African governments' recognition of the SADR; Latin American governments also have recognized it. Morocco suspended its membership in the Organization for African Unity (OAU), the predecessor of the AU, and has not joined the AU because of the AU's acceptance of the SADR.

Prospects

Morocco's response to the 2003 Baker Plan and subsequent official statements indicated a diminished willingness to compromise at the same time that Algeria and the Polisario then appeared more willing to compromise. The Polisario has since become less compromising in its insistence on self-determination, while Morocco will not bend on its autonomy proposal. In other words, the current impasse is likely to continue for the foreseeable future.

The Polisario periodically threatens a return to armed struggle, but it remains unable to resume a military campaign without the aid and presumably the permission of Algeria, which are not expected. Algeria is focusing on its economy and international image and is concerned about resurgent Islamist terrorism. It has nurtured closer ties with the United States, France, and Spain that would be strained if it allowed a return to violence. Moreover, some of the Polisario's threats may only be rhetoric to enable entrenched leaders to appease vocal, young militants. In addition, the Polisario is disadvantaged militarily. It has between 3,000 and 6,000 soldiers, although much of the civilian refugee population could be mobilized to support a guerrilla campaign. They would confront about 100,000 Moroccan troops stationed in the Western Sahara. With civilian support services, the Moroccan presence in the region may total 300,000. The Moroccan army has a total strength of 175,000, with 150,000 more in reserves. The Polisario has instigated popular demonstrations for independence in the Western Sahara, but it has not resorted to terrorism that would cost it sympathy abroad and denies all Moroccan allegations that it has links to Al Qaeda.

The Western Sahara is a transit point for illegal Moroccan, Sahrawi, sub-Saharan African, and South Asian migrants attempting to reach the Canary Islands (Spain) by boat. The Secretary-General has noted a significant increase in operations to smuggle migrants through the Western Sahara since 2003. Morocco and the Polisario have justified violations of the cease-fire as actions to curb smuggling. Morocco appears to be using the need to control illegal immigration as a pretext to bolster its forces. In other words, it is tightening its hold on the region.

As long as the Western Sahara issue is unresolved, relations between Morocco and Algeria are unlikely to be normalized. Algeria had indicated that it was willing to develop bilateral relations without a resolution to the conflict, but Morocco insisted that the Western Sahara was too important an issue to set aside, noting that Algeria shelters and hosts people who carry weapons against Morocco. In March 2008, Morocco called for reopening its border with Algeria, but Algeria said that the border would remain closed until agreement on many issues, including a solution for the Western Sahara. Due to the Western Sahara dispute, the Arab Maghreb Union, of which both are members, has not held a summit since 1994.¹⁰

¹⁰ The Arab Maghreb Union, including Algeria, Morocco, Tunisia, Libya, and Mauritania, was founded in 1989 to promote regional cooperation.

United States Policy

The United States supported the U.N. settlement plan and the Baker Plan. It has not recognized the SADR or Morocco's sovereignty over the Western Sahara. President George W. Bush expressed understanding of "the Moroccan people's sensitivity over the Sahara issue" and said that the United States did not seek to impose a solution.¹¹ U.S. Undersecretary of State Nicholas Burns described Morocco's 2007 autonomy plan as "a serious and credible proposal" and, in 2008, the State Department urged the parties to focus on establishing a mutually-acceptable autonomy regime in their negotiations.¹²

U.S. support for the U.N. peace effort is given in the context of valued U.S.-Moroccan relations as U.S. officials view Morocco as a moderate Arab ally, welcome supporter of the global war against terrorism, constructive player in the Israeli-Palestinian peace process, and leader in Arab efforts to reform and democratize. U.S. officials would prefer a solution to the Western Sahara dispute that would not destabilize Mohammed VI's rule. They also believe that a settlement would enhance regional stability and economic prosperity. The United States contributed \$8,924,000 for MINURSO in FY2007 and an estimated \$12,047,000 in FY2008; the State Department requested \$8.4 million for FY2009.

Some Members of Congress support a referendum and are concerned about the human rights in the Western Sahara. In the FY2008 Consolidated Appropriations Act, P.L. 110-161, December 26, 2007, Congress said that an additional \$1 million in Foreign Military Financing (FMF) may be made available to Morocco if the Secretary of State certifies, *inter alia*, that it is allowing all persons to advocate freely their views regarding the status and future of the Western Sahara through the exercise of their rights to peaceful expression, association, and assembly and to document violations of human rights in that territory without harassment. The Polisario, the U.N., and international non-governmental organizations report on Moroccan suppression of protests in the Western Sahara, while Morocco alleges human rights abuses in the refugee camps.

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¹¹ Message by President Bush to King Mohammed VI, MAP, BBC Monitoring Middle East, December 3, 2003.

¹² "'Serious and Credible,' in Washington's Own Words," <http://www.autonomyplan.org> which appears to be an official Moroccan government website, and U.S. Department of State, response to taken question, May 2, 2008.