



STALEMATE IN WESTERN SAHARA: ENDING INTERNATIONAL LEGALITY

Yahia H. Zoubir

Dr. Zoubir is professor of international relations and management at Euromed Marseille.

Nearly two decades since the end of the Cold War, the conflict in the Western Sahara has yet to see its definitive resolution. In fact, this 32-year-old dispute belongs to the category of "forgotten" or "frozen" disputes. The Sahrawi refugees, their plight, the atrocious conditions under which they live, and their right to self-determination through a free and fair referendum, as stipulated in all UN resolutions, have been forgotten as well. The conflict attracts attention sporadically not because of Sahrawis' legitimate rights but mainly because of the national, geopolitical and economic interests of other actors inside and outside the region. Despite the misrepresentation of occupied Western Sahara as an empty desert, the territory does in fact boast rich resources and a 700-kilometer Atlantic coast of strategic importance. The territory also has among the richest fishing waters in the world, which today Morocco and members of the European Union exploit illegally. The Western Sahara possesses huge deposits of phosphates; these reserves could make it one of the largest exporters of phosphates in the world. Other valuable minerals such as iron ore, titanium oxide, vanadium, iron and, possibly, oil abound

throughout the territory. Of course, the prospects of oil and natural-gas discoveries in recent years have further complicated the resolution of the conflict.¹

The case of Western Sahara highlights the UN failure – or, rather, the disinclination of its most powerful members in the Security Council – to implement what should have been a straightforward case of decolonization. The conflict emerged in 1975, at the height of the Cold War, when Morocco was unequivocally anchored in the Western camp and Algeria, though resolutely nonaligned, was perceived as an ally of the former Soviet Union.² Furthermore, Morocco, which played a proxy role for France and the United States in defeating nationalist and anticommunist forces in Africa, benefited from strong political, economic and military support from its allies, which also included the wealthy Gulf monarchies. In fact, the United States was instrumental in making it possible for Morocco to seize the Western Sahara.³

Despite the illegality of the occupation and the legitimacy of Sahrawi rights, geopolitical considerations – power politics – have overridden international legality. The consequences are many: lasting tension in Algerian-Moroccan relations; the lack of



feasibility of Maghrebi integration; a freeze of the Arab Maghreb Union; recurrent tensions in Franco-Algerian relations; periodic frictions in Moroccan-Spanish and Algerian-Spanish relations; the potential for a regional war; Algeria's and Morocco's arms purchases at the expense of much-needed socioeconomic development; and cyclical uprisings in the occupied territory and the concomitant violations of the human rights of Sahrawis. The other assertion in this article is that outside powers, namely, France and the United States and, to a lesser degree, Great Britain, all three members of the UN Security Council, have prevented the resolution of this dispute in order to reward Morocco, a longtime friend that has rendered services both the war against communism and in today's "Global War on Terror."

Prior to analyzing the geopolitical considerations that surround the dispute, it is important to restate a number of points that are often glossed over. While today it has become fashionable to speak about a "political solution that is mutually acceptable," many often overlook the fact that the self-determination of Western Sahara, a non-autonomous territory, rests on international law and UN resolutions, internationally agreed upon principles. The right to self-determination is inscribed in the Declaration of the Granting of Independence of Colonial Countries and Peoples contained in General Assembly Resolution 1514 (XV) of December 14, 1960. In 1963, the United Nations recognized the Sahrawis' right to self-determination, and it has restated that right in every resolution since. In fact, on February 11, 2004, UN Secretary-General Kofi Annan declared at the Special Committee Session of the Fourth Committee on Decolonization:

"In the twenty-first century, colonialism is an anachronism. I therefore hope that, in the year ahead, all administering Powers will work with the Special Committee, and with people in the territories under their administration [which includes Western Sahara], to find ways to further the decolonization process. After all, decolonization is a United Nations success story, but it is a story that is not yet finished."⁴

While American and British troops invaded Iraq in March 2003 under the pretext that Iraq did not comply with UN resolutions, the United States and France have shown no such concern for the violations Morocco has committed since its invasion of the former Spanish colony. The other point is that no country in the world, not even Morocco's closest friends and allies, recognizes Morocco's sovereignty over Western Sahara, which is still *de jure* under Spanish administrative control. The transfer of that administrative power to Morocco under the Madrid Accords has no legal validity, and indeed the UN has never recognized the Madrid Accords of November 14, 1975. The third point is that, though he meant it only as a "referendum of confirmation," King Hassan II declared to the world in 1983, and in 1981 to the African nations, that he was favorable to the holding of a referendum on self-determination in Western Sahara. Furthermore, Morocco accepted the UN 1991 Settlement Plan, which included the holding of a referendum. As shall be seen, the powerful members of the Security Council, particularly France and the United States, seek to propose solutions to the conflict that ignore these points. They do so by

demanding that Sahrawis make concessions to Morocco, the occupying power.

In order to understand the impasse that has prevailed since the early 1990s, one needs to analyze the respective roles of the key players in this conflict and to understand the position and interests of each. Analysis shows that when the conflict is brought to light, it usually means that the interests of one or several of the players have also shifted; an underlying motive typically determines the renewed attention. In the 1990s, the Algerian state was on the brink of collapse, so the status quo best served the interests of all (except the Sahrawis, of course). More recently, resolution of the conflict in favor of Morocco would serve the interests of the latter and its traditional supporters.

THE ROLES OF ALGERIA AND MOROCCO

Since the inception of the dispute, neither Morocco nor Algeria has altered its position on Western Sahara in any fundamental way, even though Algerian personalities such as Maj. Gen. Khaled Nezzar and President Mohamed Boudiaf (January-June 1992) have expressed differences of views. Algeria has also proposed the division of the territory between Sahrawis and Moroccans as a way out of the stalemate. Moroccans argue that Algerians created an artificial conflict over Western Sahara to weaken Morocco and thwart the recovery of its "southern provinces." Moroccan scholar Abdelkhaleq Berramdane has even argued that "Algeria dug up a people," i.e., the Sahrawis, from the sands to spoil Morocco's claims.⁵ The other debatable accusation is that Algeria's determination for an independent Western Sahara rests

on an ulterior strategic motive: free access to the Atlantic.

There are historical, geopolitical, ideological and psychological reasons that have strained Algerian-Moroccan relations since Algeria's independence in 1962.⁶ Although a struggle for regional hegemony does exist between the two countries,⁷ Moroccan irredentism is a weightier factor in the Western Sahara equation. It began in the 1950s, when Mohammed Allal Al-Fassi (1910-74), leader of the nationalist Istiqlal party, developed the idea of "Greater Morocco." As far back as 1956, Al-Fassi spread the idea that Moroccans must lead a struggle to liberate Tangier, the Sahara from Colomb-Béchar to Tindouf (both in Algeria), the Touat, Kenadza, Mauritania (which Morocco did not recognize until 1969, eight years after independence), and of course Spanish Sahara, until their unification with Morocco. Thus, Morocco's borders would extend to the borders in the south of Saint-Louis in Senegal. While this idea contributed greatly to Moroccan nationalism, it also instilled fear among the leaders of the Algerian nationalist movement of a hostile neighbor intent on amputating parts of the territory it had fought to liberate through a fierce war against French colonialism.

The differences between the two countries during the colonial era were transformed into ideologies after independence. Obviously, Moroccan irredentism, though progressively watered down, did nonetheless result in border conflicts with its eastern neighbor. If the border was more or less settled in the 1970s, the conflict in Western Sahara, albeit not the only concern, became the main bone of contention in Algerian-Moroccan relations. The parliament agreed in 1992 (Algeria



had ratified the agreement in 1973). This change of heart seemed designed to put pressure on Algeria, but also to indicate that Morocco would not relinquish the territory but rather would incorporate it into the kingdom. The ratification of the treaty, however, did not mean the end of Moroccan irredentism. The most recent, albeit minor, manifestation was the call from the Front de libération de l'Algérie marocain (FLAM), which in March 2006 called for the liberation of southwest Algeria and its return to Morocco.⁸

From the standpoint of Algerian leaders, preventing Morocco from establishing a *fait accompli* in the Western Sahara and legitimizing its occupation has served as an instrument for warding off Moroccan irredentist aspirations against Algeria itself. Irrespective of the Western Sahara conflict, additional factors relate to the rivalry between Algeria and Morocco, not only in the Maghreb itself, but also in the rest of the African continent. While the support Algeria has provided liberation movements was motivated primarily by its commitment, as a former colony, to the achievement of national self-determination,⁹ Algeria's approach to some African countries derives from its objective to thwart Morocco's ambitions and to muster support for the creation of an independent Sahrawi state.

Although the objective here is not to provide a complete historical review of the major events related to Western Sahara,¹⁰ a few of them deserve to be highlighted in order to understand the enduring stalemate.

The Algerian-Moroccan border dispute in 1963¹¹ left an indelible impact on the Algerian military-civilian establishment. This partly explains why Algerian authorities supported Sahrawi self-determination.

Support for Sahrawis was not an end in itself, but derived from fears that absorption of the Western Sahara into the Moroccan kingdom would upset the regional balance of power in Morocco's favor, thus threatening Algeria's national security. As John Damis pointed out long ago, "Algerians fear that the absorption of the Sahara by their neighbors would only encourage Moroccan expansionist tendencies and whet the Moroccans' appetite for pursuing their unfulfilled and frequently articulated irredentist claim to territory in western Algeria."¹² Algerians also fear that absorption of the Western Sahara through military means creates a precedent that undermines the whole logic of the inviolability of borders.

A close analysis of the Western Sahara conflict reveals that there exist structural causes in Algerian-Moroccan relations that explain the policies the two countries have pursued and the lack of trust that characterizes their relationship.

Morocco

Until 1974, Morocco was favorable to Sahrawi self-determination. Indeed, during the meeting in Agadir July 23-24, 1972, Morocco joined Algeria and Mauritania in pledging support for self-determination of the Western Sahara in conformity with international legality and UN resolutions. King Hassan II was convinced that the process of self-determination would result in the territory's integration with Morocco. However, when that prospect appeared unlikely, Hassan did not conceal his proclivity to seize the territory. This he initially sought to do without external support. He first tried to obtain sanction from the International Court of Justice, for whose opinion he called in 1973. On October 16, 1975, the ICJ ruled, however, in favor of



Sahrawi self-determination. This is precisely the opinion that the opponents of Sahrawi self-determination never refer to because the judges did not agree with Moroccan and Mauritanian claims:

[...] 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 legal ties of such a nature as might affect the application of General Assembly 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.¹³

Based on this opinion, as well as the UN visit to the Western Sahara and UNSC Resolutions 377 (1975) of October 22, 1975, 379 (1975) of November 2, 1975, and 380 of November 6, 1975, on the situation concerning Western Sahara, UN Resolution 3458 (XXX) of December 10, 1975, declared unequivocally that the Generally Assembly

1. Reaffirms the inalienable right of the people of Spanish Sahara to self-determination, in accordance with General Assembly resolution 1514 (XV)...

But international legality did not prevent Morocco and Mauritania from invading Western Sahara. More than 350,000 Moroccans invaded the territory on November 6, 1975. King Hassan II presented the march as a peaceful "repossession" by Morocco of its "southern provinces." The reality, however, was that

more than 25,000 troops had already crossed into Sahrawi land on October 31, 1975, and, among the 350,000 marchers, tens of thousands were soldiers. Spain not only failed to meet its obligations; but worse it signed on November 14 a secret agreement with Morocco and Mauritania, the Madrid Accords, whereby it "transferred" its administrative powers to these two states. Spain left the territory on February 27, 1976. The same day, the POLISARIO Front proclaimed the creation of the Sahrawi Arab Democratic Republic, recognized until today by more than 75 countries.

In Resolution 380 of November 6, 1975, the UNSC "deplored the holding of the march" and "call[ed] upon Morocco immediately to withdraw from the Territory of Western Sahara all the participants in the march." This did not dissuade Morocco, which has strengthened the occupation of the territory through military, economic and other repressive means, with support from the United States and France. From 1976 until the ceasefire in September 1991, following the 1988 Settlement Plan brokered by the United Nations and the Organization of African Unity, Sahrawi combatants, backed by Algeria, fought Moroccans and, until 1979, Mauritanian troops, without ever resorting to terrorism or attacks against Moroccan territory proper. On April 19, 1991, the UNSC finally passed resolution 690, which outlined a detailed plan for the holding of a free and fair referendum and the setting up of a UN mission (MINURSO) to conduct the referendum. Moroccans, however, wanted nothing less than a referendum that would confirm their annexation of the territory. To achieve that goal, they decided, with the complicity of France, the



United States and successive UN secretaries-general, especially Boutros Boutros-Ghali, to use every possible stratagem to prevent the organization of a referendum without suffering any consequences from the world body. The referendum was scheduled to take place in early 1992, but the UN postponed it repeatedly, due mostly to Morocco's delaying tactics. Morocco renege on the conditions of the UN peace plan by adding thousands of individuals to the list of potential voters to be identified by MINURSO, thus delaying indefinitely the holding of the referendum.

From 1992 to 1997, the situation remained stalemated. Three main reasons convinced King Hassan to prevent the holding of a referendum: (1) the uncertainty of the result; (2) the unstable domestic situation in Algeria, the Sahrawis' main supporter; and (3) the decision of France and the United States to put no pressure on Morocco, allegedly for fear destabilizing the monarchy.

Economics has also played a part in compelling Morocco to hold on to the territory.¹⁴ Indeed, Western Sahara is considerably rich; the huge deposits of phosphates led Spaniards to invest heavily in them. The reserves, estimated at more than 10 billion tons, could make Western Sahara a major exporter of phosphates. Despite the disputed status of the territory, Western corporations have contributed to its exploitation either through shipments of phosphates on behalf of the Moroccan government¹⁵ or through exploration for oil by major companies such as Kerr-McGee, which, due to pressure from NGOs, eventually ceased activities there.¹⁶ Thus, not only have illegal commercial ventures been conducted in Western Sahara, but Sahrawis' rights have also been violated.¹⁷ Furthermore, Moroccans have

resorted to the exploitation of Sahrawi natural resources in violation of international law, as corroborated by the under-secretary-general of legal affairs at the United Nations, Hans Correll, who reaffirmed in 2002 the ICJ verdict in a legal opinion to the Security Council on the matter of the resources of Western Sahara. He added that, if exploration and exploitation of the oil resources of the Territory "were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international-law principles applicable to mineral resource activities in Non-Self-Governing Territories."¹⁸

The "Third Way" and "Autonomy"

In March 1997, Kofi Annan appointed former U.S. Secretary of State James A. Baker as his personal representative for Western Sahara. Baker brokered the Houston Accords between the POLISARIO Front and Morocco, thus allowing MINURSO to resume the identification of voters for the referendum on self-determination. But, although the provisional list of voters was finalized by MINURSO in December 1999, which the UN made public in January 2000, Morocco blocked the countdown to the referendum again: it lodged some 130,000 appeals, 95 percent of which were devoid of any legal or practical basis. The aim was to turn the appeals procedure into a second identification process, therefore entrenching the fait accompli of the occupation. In his report to the Security Council (S/2000/461, May 22, 2000), Annan stated that, in addition to the fact that the referendum could not take place until at least 2002, in view of the differences between Morocco and POLISARIO, "it would be essential that the parties now offer specific and concrete



solutions to the multiple problems relating to the implementation of the plan that can be agreed to or, alternatively, be prepared to consider other ways of achieving an early, durable and agreed resolution of their dispute over Western Sahara."

The UN Security Council approved Annan's report and hinted that the two parties should seek the so-called "third way." While the UNSC extended MINURSO's mandate as always, its resolution shifted the focus from attempting to help the parties surmount obstacles in order to implement the 1991 UN peace plan to suggesting an alternative that would do away with the holding of a referendum. The direct result of the resolution was a hardening of the position of the Moroccans, who made it plain that they would consider some form of autonomy for Sahrawis and abandon the holding of a referendum altogether. Both Baker and Annan started favoring an option other than the referendum, which they saw as a "winner-take-all" outcome. Yet Algerian and Sahrawi categorical rejection of the "third way," as well as UN member states' attachment to UN resolutions, compelled the Security Council nevertheless to reiterate the necessity "to hold a free, fair and impartial referendum for the self-determination of the people of the Western Sahara" (S/RES/1309, July 25, 2000). But, as the mandate of MINURSO continued to be renewed, nothing changed about Morocco's support for a "large autonomy" for the Sahrawis within "Moroccan sovereignty," while Sahrawis and Algerians supported the 1991 UN Settlement Plan leading to the referendum on self-determination.

The impasse culminated in June 2001, when Annan handed in his report (S/2001/613, June 20, 2001). Despite the repeated

and explicit rejection of any third way expressed by POLISARIO, and despite the fact that a few months earlier the United Nations had recognized that it could deal rapidly with the problems of the appeals to the identification procedure, thus removing the last obstacle to the implementation of the referendum, Annan openly infringed upon international legality and the fundamental principles of the UN Charter by attempting to impose the "third way," renamed — without any consultation with the Sahrawis — "the Framework Agreement." It was a solution other than independence from or integration with Morocco. The plan submitted to the POLISARIO on May 5, 2001, would simply have consecrated the integration of Western Sahara into Morocco under the cover of an illusory autonomy. Not surprisingly, France, which has made no secret of its opposition to an independent Western Sahara, endorsed Annan's and Baker's proposal, as did the United States and Great Britain. Aware of Algerian and Sahrawi opposition, as well as that of most members of the UN General Assembly, the Security Council ultimately did not endorse the "Framework Agreement" and requested that Baker produce another plan. In Washington, Senators Edward Kennedy (D-MA), Patrick Leahy (D-VT) and John Kerry (D-MA) wrote to Secretary of State Colin Powell expressing their concern that the United Nations would "abandon the referendum and support a solution that proposes integrating the Western Sahara into Morocco against the will of the Sahrawi people."¹⁹

In July 2002, the UNSC adopted a resolution that again advocated the implementation of the 1991 UN Peace Plan or any other political solution acceptable to both



parties. Despite the temporary relief that July brought to the issue, it also opened the door for Baker to press for a modified version of the Framework Agreement. Despite opposition from POLISARIO and most members of the United Nations, Annan and Baker kept putting the third way back on the table, implicitly supporting Morocco's claim to sovereignty over the territory.

UNSC Resolution 1495

In January 2003, Baker submitted the Peace Plan for Self-Determination of the People of Western Sahara,²⁰ which provided a more elaborate proposal for self-government during the five-year transition period preceding the referendum. Most objectionable from the Moroccan perspective was the inclusion of independence as one of three options (the other two being autonomy or full integration with Morocco) to be submitted to the voters in the territory. On July 31, 2003, the UNSC not only adopted Resolution 1495, which endorsed the latest version of Baker's plan, but also established the enforceable character of the settlement plan on Moroccans and Sahrawis. To everyone's surprise, both Algeria and POLISARIO, despite initially rejecting the plan, eventually accepted Baker's new proposal, better known as Baker Plan II. From Baker's perspective, this new proposal was a synthesis of the elements of the Settlement Plan and the proposed Framework Agreement. For Algerians, acceptance of this proposal presupposed attachment to "international legality" and support for the UN Peace Plan. For the POLISARIO Front, the objective was to make every effort to avoid war. Morocco, with strong French support at the UNSC, rejected Baker's new proposal, declaring that it was

contrary to its "fundamental national interests and to peace and security in the Maghreb region." In fact, Moroccans rejected the inclusion of the holding of a referendum after the five-year transition period, despite their numerical superiority in the occupied territory, because it provided independence as an option.

The obvious question is why, despite the superior number of Moroccans in Western Sahara, the monarchy still opposes the holding of a referendum. Apparently it fears that Moroccan settlers would vote for an independent, democratic Sahrawi republic rather than for the annexation of the territory into the kingdom. The other question, of course, is why Algerians and Sahrawis, who initially rejected it in March 2003, accepted Baker Plan II four months later. Undoubtedly, Sahrawis accepted the plan because of nudging from their allies. Analysts seemed to think that Algeria's acceptance of the plan was proof that Algerians had now abandoned support for the Sahrawis. While this is a plausible interpretation, Algeria has not withdrawn backing for the Sahrawis, as subsequent events and statements of high officials, including President Abdelaziz Bouteflika, have demonstrated. The most likely explanation is that Algeria used acceptance of the plan as a maneuver to prove Morocco's bad faith; based on past experience, Algerians were persuaded that Morocco would reject it. It was also a way to demonstrate that Morocco, not Algeria, was the true obstacle to a peaceful settlement of the conflict.²¹ The Moroccans and the French bitterly opposed the Baker Plan because Baker wanted the UNSC to impose its implementation on the parties. The French, who saw themselves as the guarantors of Morocco's domestic stability,



were particularly worried that its implementation would destabilize the monarchy, especially after the jihadist attack in Casablanca in May 2003.

With the failure to implement Baker Plan II, the situation in Western Sahara also reached a stalemate because attention became focused on Iraq. Thus, there has been no real progress, except that Morocco, which imposed a quasi veto on the Baker Plan, promised, with encouragement from France and the United States and later Spain, that it would submit a proposal for "genuine autonomy." The lack of progress and the obvious support that Morocco obtained in Paris and Washington compelled Baker to resign in April 2004. In the meantime, Sahrawis in the refugee camps near Tindouf, Algeria, continue to suffer privations, including limited amounts of food supplies, while Sahrawis in the occupied territory have been subjected to harsh Moroccan repression since the *intifada* (uprising) they launched in 2005.²² Morocco has been able to continue the occupation without suffering any retribution from the United Nations, which keeps submitting alternative options under the pretext that "Morocco has expressed unwillingness to go forward with the settlement plan" (Paragraph 48 of UN Report S/2002/178 of 19 February 2002).

After successfully blocking the Baker Plan, the Moroccan government argued that they were still willing to grant Sahrawis autonomy as long as Morocco's "territorial integrity" was respected. In other words, independence is out of the question. Anna Theofilopolou, a former UN staff member who worked closely with Baker, observed, "The easy abandonment of the Baker Peace Plan by the secretary-general and his senior staff, following its

weakened support by the Security Council, made POLISARIO and its supporters suspect that senior UN leadership was once again capitulating to Moroccan pressure."²³ Assured of French and U.S. backing, Moroccans launched an all-out diplomatic campaign to advance their own "enhanced autonomy plan," which they eventually submitted to the United Nations in April 2007.

Morocco's Offer

Morocco's intention to "grant" Sahrawis some kind of autonomy is not new. In the 1980s, King Hassan II suggested that, except for the "stamp and the flag," everything was negotiable. According to Algerian officials, as well as American diplomats interviewed on this matter, Hassan II's offer of autonomy to Sahrawis was not genuine. But high-level U.S. officials were convinced that the offer of autonomy by King Mohamed VI, who succeeded his father in July 1999, was more sincere.²⁴ Not until after the defeat of Baker Plan II, however, did French, American and Spanish officials begin to nudge Morocco to present a "credible" offer for Sahrawi autonomy and to openly support that option. Yet it should be emphasized that Morocco has been quite consistent that it would only offer a "Saharan Autonomous Region,"²⁵ i.e., its "southern provinces" within Morocco's "sovereignty, national unity and territorial integrity." It has never looked at the Western Sahara issue in terms of self-determination or decolonization. Furthermore, Moroccans have never specified the geographical limits of this SAR.

Although the content of the autonomy proposal was unknown, Moroccan diplomats and ministers lobbied the world over to



garner support for their "historic initiative." In effect, Moroccans acted as if they held sovereignty over the territory, sovereignty which no country in the world recognizes, and were making a historic gesture in offering Sahrawis autonomy. The proposal, titled the "Moroccan Initiative for Negotiating an Autonomy Statute for the Sahara Region," was submitted to UN Secretary-General Ban Ki-Moon. Despite the media hype surrounding the proposal and the support it obtained from Morocco's supporters, the plan, as convincingly demonstrated by Spanish legal scholar Carlos Ruiz Miguel, is not much different from the counterproposal Morocco submitted to Baker in December 2003.²⁶ However, as Theophilopoulou points out, this new plan "follows a different strategy. Claiming to be open for negotiations, it does not go into the details of the previous autonomy project."²⁷ It leaves the door open for the proposal to be enriched during the negotiation phase. The other novelty in the proposal is that it "shall be the subject of negotiations and shall be submitted to the populations concerned in a free referendum." This is not the place to analyze the Moroccan plan, which is, unsurprisingly, at odds with the counterproposal POLISARIO submitted to Ban Ki-Moon a day earlier.²⁸ This plan has little chance of succeeding as long as it sets as a prerequisite the acceptance by other parties of Morocco's sovereignty over the territory. POLISARIO's proposal is more consistent with international legality. The Sahrawis propose to negotiate with Morocco the holding of a referendum on self-determination (with independence as one of the options) and offer post-referendum guarantees:

The Frente POLISARIO is also committed to accepting the results of the referendum whatever they are and to negotiate with the Kingdom of

Morocco, under the auspices of the United Nations, the guarantees that it is prepared to grant to the Moroccan population residing in Western Sahara for 10 years as well as to the Kingdom of Morocco in the political, economic and security domains in the event that the referendum on self-determination would lead to independence.²⁹

Given the geopolitical realities, however, the major powers have granted more weight to the Moroccan proposal than to POLISARIO's. Nevertheless, the contradiction in which the powerful members of the UNSC have put themselves — emphasizing the right to self-determination and refusing to endorse Morocco's sovereignty, while giving Morocco virtual veto power over any solution it does not agree with — has contributed to the stalemate.³⁰

Following the passage of UN Resolution 1754 of April 30, 2007, the two parties reluctantly agreed to hold direct negotiations, which they did on June 18 and 19 in Manhasset, New York. Nothing of major importance occurred, except that both parties agreed to resume negotiations on August 10 and 11 and that their contacts remained cordial. However, the king insisted on July 30 that Morocco would not negotiate anything beyond autonomy,³¹ thus dashing hopes for a resolution of the conflict. As expected, the second round of direct talks produced no tangible results since Morocco held to its promise not to discuss anything but the "autonomy plan under Moroccan sovereignty," contrary to UN Resolution 1754, which urged the parties not to set preconditions for their talks. Although the parties agreed to meet again either in October or December 2007, one can already predict that the status quo will prevail.



Geopolitics as an Impediment

Most analyses attribute the stalemate to technical problems, such as the alleged difficulty in identifying the voters in a referendum. However, geopolitical considerations provide the best explanation. In addition to Morocco's consistent refusal to allow for the holding of a free and fair referendum, it has benefited from the support of three powerful members of the UNSC, France, the United States and Great Britain; since 2004, it has also obtained the support of Spain under the Socialist government of José Luis Rodríguez Zapatero and his foreign minister, Miguel Ángel Moratinos. Spain has thus broken with its traditional "positive neutrality."

Since the inception of the conflict in 1975, Morocco has relied on France to protect its interests.³² Indeed, during his visit to Morocco in 2003, French Prime Minister Jean-Pierre Raffarin confirmed "the similarity of views and positions between Paris and Rabat concerning the question of Western Sahara."³³ Furthermore, during his trip to Morocco in early October 2003, President Jacques Chirac stated: "France wishes ardently for a solution to the [Western Sahara] conflict, which constitutes a barrier to the construction of a united Maghreb. We defend a political solution... which takes fully into account Morocco's interests and regional stability."³⁴ For President Chirac and most French politicians, Western Sahara is an integral part of the Kingdom of Morocco. The French made it clear that they would use their veto power at the UN Security Council, should the UN decide to impose a solution that is not acceptable to Morocco.³⁵ Paris, which supported the United Nations on Iraq in 2003, in opposition to

the United States, demonstrates in this case that its foreign policy is deeply rooted in power politics. International law seems not to apply to what is classically considered France's sphere of influence. Under Chirac's presidency, France took a clear pro-Moroccan stance; Franco-Algerian relations also witnessed remarkable improvement compared to what they had been throughout the 1990s, when civil unrest ravaged Algeria. One cannot emphasize enough the special relationship that France has with Morocco,³⁶ comparable to the one that the United States has had with Israel for the last four decades.

France has never made a secret of its resolute opposition to an independent Western Sahara. French officials interviewed on the question allege that another "micro-state" (or even a "failed state") under the influence of Algeria would not bode well for the Maghreb and would also be costly for France.³⁷ They argue that a referendum on self-determination, which they know would favor the Sahrawis, would destabilize the kingdom, an outcome fraught with dangerous ramifications.

France, has provided the monarchy with substantial economic, political and military support. At the same time, it has avoided alienating Algeria, which has not only recovered from the instability of the 1990s, but also moved closer to the United States, thus threatening France's significant interests there.³⁸ However, this has not prevented France from ignoring Algeria's national-security interests; it has even sought to offset SADR's gains by coercing, through financial blackmail, African countries to withdraw their recognition. This policy has been relatively successful since a few weak African states (Benin, Burkina Faso, Chad, Congo-Brazzaville



and Togo) succumbed to this pressure by withdrawing their diplomatic recognition. Furthermore, France did not succeed in persuading Algeria to curb its support for the Sahrawis. According to reliable sources, during the Algerian crisis in the 1990s, France sought to convince Algeria to reduce its support for an independent Western Sahara in exchange for French and European economic and financial aid. Today Algeria is no longer in the weak position of the 1990s. Its financial situation has improved considerably, in large part due to oil revenues, and the country's standing in the international arena is quite solid, especially in the African Union. Contrary to what France and Morocco expected, Algeria's position on Western Sahara has remained relatively unchanged: support for the Sahrawis' right to self-determination and respect for international legality. The French have consistently argued that the solution lies in Rabat and Algiers, and that these two should reach an agreement to allow for the construction of the Maghreb Union.

Thousands of French citizens and enterprises are established in Morocco; 25 percent of tourists who visit the kingdom annually are French. Indeed, France is Morocco's trading partner and main investor with close to 70 percent of total foreign direct investments in Morocco.

The United States and the Maghreb

U.S. policy indicates major ambivalence. In principle, Washington supports the right to self-determination as guaranteed in the UN Charter, which requires that Spain hold a referendum on self-determination. However, political, military and economic interests have determined the U.S. position: steadfast support to the Moroccan monar-

chy, a reliable ally in the Arab world. Like France, the United States has since the inception of the conflict not only sided with Morocco, it was also instrumental in Morocco's colonization of the territory.³⁹ At the height of the Cold War, the United States feared Soviet expansion into sub-Saharan Africa. Despite the fact that the Soviets never supported the Sahrawi nationalist movement,⁴⁰ Washington worried about the potential emergence of a pro-Soviet state. There is no doubt that the United States played a major role in reversing the war over Western Sahara in Morocco's favor through large-scale economic and military aid, military advisors and logistical assistance. Throughout the Cold War, American preoccupation with the survival of the pro-Western monarchy – as guarantor of the U.S. and Western presence in the area – overrode other regional concerns. In August 2004, James Baker corroborated this point by stating that U.S. support for Morocco was justified because "in the days of the Cold War [...] the POLISARIO Front was aligned with Cuba and Libya and some other enemies of the United States, and Morocco was very close to the United States."⁴¹ Not only that, but Morocco played the role of proxy in Africa on behalf of the West in fighting nationalist forces that received backing from the Soviet Union. Support for Morocco in the U.S. Congress is also significant, not least because Morocco is one of the few Arab countries that are friendly to Israel.

The Global War on Terror (GWOT) since the attacks of September 11, 2001, has also strengthened Morocco's standing in U.S. policy. But there has been an important change since 2001. Algeria has become a key actor in the GWOT in the



Maghreb-Sahel region and has developed excellent military, security, political and economic ties with the United States, which now perceives Algeria as a strategic partner in the region. This has compelled Washington to pursue a relatively more cautious policy even if its attachment to Morocco remains unwavering. Morocco and the United States established a Free Trade Area in 2004 (entered into effect in January 2006), and that year Morocco became a major non-NATO ally of the United States. The result of such developments is that the United States seeks a political solution that is "acceptable" to all parties. Despite Moroccan demands for the United States to impose a solution – one favorable to Morocco – Washington made clear that it would not refuse to invoke Chapter VII of the UN Charter when dealing with Western Sahara. Yet, because of the close friendship with Morocco, coupled with the need to keep Morocco in the antiterrorist coalition, the United States tries to soothe Morocco's fears by using language that does not compel the Palace to comply with UN resolutions. Indeed, in a letter to King Mohamed VI, George W. Bush declared that the United States "understand[s] the sensibility of the Moroccan people on the question of Western Sahara and would not try to impose a solution to this conflict."⁴²

This also means that the United States would not undertake any action that would alienate Algerians or Sahrawis either. To this effect, the United States did not include Western Sahara in the free-trade agreement with Morocco. Following Baker's resignation in June 2004, though, the United States seemed to share France's position that Morocco and Algeria should work for rapprochement "as a means to create an

environment conducive to settlement of the issue."⁴³ Since other parties do not always trust Morocco, the United States calls for a political solution but still makes reference to the United Nations, repeatedly asking that Morocco make a serious proposal to help solve the conflict. Gordon Gray, deputy assistant secretary of state for Near Eastern affairs, declared that, with respect to Western Sahara,

The United States continues to seek an acceptable political solution, within the United Nations framework, and has no desire whatsoever to impose a solution [...] The Moroccan government has recently expressed its willingness to write up an autonomy plan for Western Sahara; the United States encouraged Morocco to present a credible proposal so that all parties can analyze it.⁴⁴

When Morocco proposed the autonomy plan in April 2007, the United States gave it full support, describing it as "a serious and credible proposal to provide real autonomy for the Western Sahara."⁴⁵ The United States also encouraged direct negotiations between the two protagonists without preconditions. Assistant Secretary of State David C. Welch asserted during a hearing in Congress that he had "worked with them [Moroccans] on it [autonomy plan]." While he asserted that the Moroccan proposal "represents some serious efforts," he downplayed the Sahrawi proposal, stating that it "does not seem, in our judgment, to contain new ideas by comparison."⁴⁶

The paradox is that, while Welch rejects the Sahrawi plan because it reiterates the right to self-determination and remains attached to the Settlement Plan, he



also says that "any settlement of the Western Sahara must also take into account the concerns of the Sahrawi people and be consistent with their right of self-determination." This is precisely the contradiction in which the United Nations has found itself. The ruse in Welch's statement, however, is in the fact that this right would be the prerogative not of the United Nations but of Morocco, which "has said its proposal would be subject to a vote by the Sahrawi people." This is recognition of Morocco's sovereignty over the disputed territory. The deputy permanent representative of the United States, Jackie Wolcott Sanders, confirmed the United States *parti pris* for Morocco's "initiative" when she declared, following the first round of direct talks, "We believe a promising and realistic way forward on the Western Sahara is meaningful autonomy. Morocco's initiative could provide a realistic framework to begin negotiations on a plan that would provide for real autonomy contingent on the approval of the local population."⁴⁷ Following the second round of negotiations between Moroccans and Sahrawi nationalists, the State Department reiterated, "We believe that meaningful autonomy is a promising and realistic way forward and that the Moroccan initiative could provide a realistic framework for negotiations."⁴⁸ This, in fact, is also the argument that Moroccans sought to impose upon Sahrawis. Indeed, during the talks, Moroccans declared that Sahrawis should accept their "autonomy initiative" because it enjoys the support of the United States and France. This, again, is clearly in contradiction with UN Resolution 1754, which urges the parties to engage in talks without preconditions.

The U.S. dilemma is one it has faced since the inception of the conflict: how to reconcile international law with geopolitical interests. While during the Cold War the

United States fully backed Morocco because it served as a bulwark against Communism, in the post-9/11 era, it serves as an ally in the Global War on Terror. The United States is setting an extremely dangerous precedent: recognizing, albeit implicitly, Morocco's sovereignty amounts to condoning the illegal acquisition of territory by military force. Indeed, the support that Morocco has obtained in the U.S. Congress for the autonomy proposal is indicative of U.S. willingness to breach international norms and legality to suit the interests of its ally.

Spain's Volatile Policy⁴⁹

Spain has always maintained good rapport with the Maghreb states.⁵⁰ With respect to the countries involved in the conflict, Spain has adopted a bilateral policy of friendship and cooperation to establish a balance while seeking to strengthen political and economic ties with the neighboring states. Thus, Morocco has remained, except during the Spanish-Moroccan crisis (2001-03) under the premiership of José Maria Aznar (1996-2004), Spain's privileged interlocutor, while relations with Algeria and Mauritania remained quite good. Until the early 1970s, Spain's chief objective was to avoid an armed conflict with the Sahrawi militants, openly backed at that time by Morocco and Mauritania. Spain was preoccupied with opening a new page in its history, i.e., the end of the Franco regime and Spain's progressive integration into the community of European democracies. Nevertheless, it could ill afford to be antagonistic toward Morocco because of the salience of its strategic interests: the enclaves of Ceuta and Melilla; the dependency of the Spanish and Canary Islands' fishing fleets on



Saharan waters, which required the fishing agreements with Morocco; participation in phosphates mining company Bu-Craa in the Western Sahara; and the presence of Spaniards living and working in Morocco. The Spanish government was confronted with a difficult situation: it needed to maintain good rapport with Morocco and establish stronger ties with Algeria, without neglecting the Western Sahara conflict, for which Spain bears direct responsibility, since the Spanish authorities failed to decolonize the territory as mandated by the United Nations. Beyond doubt, Madrid's position on the question of Western Sahara is ambiguous. Indeed, while Spain has not recognized Morocco's and Mauritania's sovereignty over the territory — it handed them the "administration of the Territory" under the terms of the Madrid Accords of November 1975 — it nonetheless signed fishing agreements with these two countries so Spanish vessels could operate along the coasts of the disputed territory.

In 2002, Spain confronted Morocco over the Parsley Island (Perejil/Leïla Island). The crisis was resolved owing to the mediation of U.S. Secretary of State Colin Powell. In that same year, Prime Minister Aznar, during talks with President Bush, declared his opposition to the annexation of Western Sahara by Morocco. While, in 1975, Spain bent to U.S. will on the Sahrawi question, in July 2002, Madrid publicly expressed opposition to a stance that would support Morocco's intentions, arguing that "Spain's wish is that there be a peaceful solution to this problem within the framework and resolutions of the United Nations."⁵¹ Even though the Spanish government sided with the United States in its war against Iraq in 2003, this alignment was linked to obtaining U.S. backing on

more salient issues, such as the security of Spain's southern borders, defense of the Spanish enclaves of Ceuta and Melilla in northern Morocco, and access to the Atlantic zones potentially rich in hydrocarbon resources that surround the Canary Islands, which might someday be claimed by Morocco.

As the colonial power since 1884, Spain had concluded in 1974 that independence of the territory was inevitable. Madrid hoped that the Sahrawis would maintain close ties with Spain after independence but failed to keep its commitment to organize a referendum on self-determination. The transfer of administration (or "de-administration") allowed Spain some flexibility as it pursued a complex policy, the aim of which was to balance its relationship with the Maghrebi protagonists. Paradoxically, though, conservative governments in Spain have been closer to international legality and Spain's historic responsibilities than the socialists, especially those who came to power following the March 11, 2004, bombings in Madrid that Moroccans and Spaniards of Moroccan origin committed. Surprisingly, the socialist government of Zapatero and Foreign Minister Moratinos sought to project the view that if Spain supported the Sahrawis, the result might be more bombings. Aware that Spanish civil society wholeheartedly supports the Sahrawis, the government stirred up the potential terrorist fear to reduce pressure on the government. The Zapatero government criticized its conservative predecessor, arguing that attachment to international legality was sheer hypocrisy and that the neutrality of the Aznar government was synonymous with inertia.

Spanish policy today vacillates be-



tween alignment with France's position and return to a solution within the UN framework. Indeed, Spanish officials rejected Baker Plan II, promising to submit a better alternative, which they never did. At other times, they aligned their position with France's, calling for a solution that was acceptable to Morocco, contending that since Morocco would never accept a solution that does not conform to its wishes, it was best to propose a solution that Morocco would agree to. In other words, Sahrawis can aspire to some autonomy but not an independent state. At other times, Zapatero and his foreign minister called on Morocco and Algeria to settle their differences in order to find a solution to the conflict, Moratinos having even argued that Spain and France should pursue the same line in the Maghreb. These contradictions derive from a number of factors. Immediately after the fall of the Aznar government, Moratinos declared:

Relations with Morocco are a priority for Spain. It is deplorable that the creation of a permanent crisis with Morocco has been allowed. Our priority will be to establish a privileged relation with Morocco. More than ever, complicity should exist between Spain and Morocco, between France, Spain and Morocco, and between France, Spain, Morocco and the Maghreb...⁵²

Some observers saw in this the development of a new Paris-Madrid-Rabat axis, while others argued that Spain has no policy at all or is far from consistent. Toby Shelley summarizes these contradictions and confusion in Spanish policy toward the conflict:

Madrid does not have the strength

necessary to mediate in the conflict. Fear of illegal migration, drug smuggling, terrorism, and pressure over Ceuta and Melilla have left the Spanish government frightened of offending Rabat, it seems. At the same time Madrid wants the friendship of Algiers and is unwilling to court unpopularity at home by openly repudiating Sahrawi rights. Algerian natural gas and liquefied natural gas is increasingly important to Europe, and the gradual liberalization of the upstream industry has attracted oil company interest in Europe and North America. Meanwhile, the government in Madrid is besieged by regional administrations, political parties and lobby groups that support Polisario.⁵³

It is hard to see how the current government in Spain can overcome these contradictions of its own making. Spain has been trying to reassert its influence in the region; however, alienating Algeria on the question of Western Sahara will weaken that rather than increase it. This explains why during Zapatero's visit to Algeria in December 2006, and Bouteflika issued a joint communiqué that included a passage on the conflict in the Western Sahara. The two parties "reaffirmed their attachment to a just and definitive solution to the conflict within international legality and pertinent United Nations resolutions, in particular resolutions 1495 and 1541 of the Security Council, which consecrate the right to self-determination of the Sahrawi people." They also committed to encouraging Sahrawis and Moroccans to establish direct dialogue within the UN framework.⁵⁴ However, despite the communiqué, Algerians blame Spain for the shift in its traditional neutrality on Western Sahara to a pro-Moroccan bias and indifference toward the plight of the

Sahrawis. Thus, Zapatero did not succeed in obtaining an accord on Algerian natural gas through which Spain would receive a preferential tariff. According to some Algerian officials, Spain's alignment with Morocco at the expense of the Sahrawis and Algeria's interests complicated the issue and the relationship altogether.

CONCLUSION

The unresolved Western Sahara issue is a factor in the Maghreb. While normalization between Algeria and Morocco is necessary for regional integration, allowing Morocco to absorb Western Sahara illegally would aggravate tensions between the two countries. Algerian policy makers would perceive such action as a reward for Moroccan irredentism and a threat to their national security and would prepare for yet another, albeit undesired, conflict with Morocco. Furthermore, this would also greatly discredit the United Nations. As put by Fernando Aria Salgado, Spain's former ambassador to Morocco, one needs to remember that the right to self-determination of the Sahrawi people is, "according to International Law, a norm of 'jus cogens' that is, one which binds not only the United Nations as an institution, but also all the member states, as established by the International Court of Justice to resolve territorial disputes derived from colonization."⁵⁵

Genuine negotiations between Sahrawis and Moroccans regarding the post-referendum outcome could break the stalemate and lay the foundation for future cooperation and facilitate regional integration in North Africa. Numerous Sahrawi leaders have contended repeatedly that, should they lose a free and fair referen-

dum, they would join with the Kingdom of Morocco. They are willing to negotiate before the holding of a referendum all issues pertaining to economic, regional, political and security affairs. They have insisted that, should they win the referendum, they would allow Moroccan settlers to remain in the Western Sahara as legal residents provided they abide by the laws of the Sahrawi Republic. However, Morocco's rejection of Baker Plan II, which includes many elements that Moroccans themselves had proposed, proves they want nothing less than annexation of the territory. As serious analysts⁵⁶ have demonstrated, the Moroccan plan has little chance of being accepted by Sahrawis or Algerians even as a basis for negotiation. The example of Eritrea in the 1950s demonstrates how easy it would be for an occupying power that grants autonomy to renege on it without the international community's acting to stop it. For geopolitical reasons, the United States allowed Ethiopia, a U.S. ally, to swallow Eritrea in the 1960s. There is no reason to believe that the United States would act differently toward Morocco today, should that same scenario occur. As suggested by the International Crisis Group, "The autonomy proposal... falls short of what is required to secure the agreement of the POLISARIO Front or Algeria to a settlement of the conflict on the basis of Moroccan sovereignty, and this proposal accordingly needs either to be amended substantially or replaced by a fresh proposal."⁵⁷ The question remains, what gives Morocco, which occupies their territory illegally, the right to make any offer to Sahrawis?

*The author would like to thank Clement M. Henry and Louisa Dris Ait-Hamadouche for their helpful comments on an earlier draft of this article.



¹ See Jean-Paul Le Marec, "Exploitation illégale des ressources naturelles du Sahara occidental ;" available at: <http://www.arso.org/LemarecResnat0106.pdf>. See also the 2002 of France-Libertés Foundation's investigation in Western Sahara which documents the exploitation of the occupied territory by the Moroccans and the exclusion of the Sahrawis from such benefits. See France-Libertés. Report: International Mission of Investigation in Western Sahara the situation of the civil, political, and socioeconomic and cultural rights of the Saharawis. The situation of the economic exploitation of this non-autonomous territory (Paris: France-Libertés/AFASPA, 2003).

² See Yahia H. Zoubir, "Algeria and U.S. Interests: Containing Radical Islamism and Promoting Democracy," *Middle East Policy*, Vol. 9, No. 1 (March 2002), pp. 64-81.

³ See, Jacob Mundy, "Neutrality or Complicity? The United States and the 1975 Moroccan Takeover of the Spanish Sahara," *The Journal of North African Studies*, Vol. 11, No. 3 (September 2006): pp. 275-306.

⁴ Sixteen non-self-governing territories, including Western Sahara remain on the Committee's list. Quotation is from UN Press Release SG/SM/9155-GA/COL/3091, February 11, 2004.

⁵ Abdelkhaleq Berramdane. *Le Sahara occidental-Enjeu maghrébin* (Paris: Karthala, 1992).

⁶ For a detailed analysis, see, Yahia H. Zoubir, "Algerian-Moroccan Relations and Their Impact on Maghrebi Integration," *Journal of North African Studies*, Vol. 5, No. 3, (Autumn 2000): pp. 43-74.

⁷ Yahia H. Zoubir, "In Search of Hegemony: The Western Sahara in Algerian-Moroccan Relations," *Journal of Algerian Studies*, Vol. 2, (1997), pp. 43-61.

⁸ K. Abdelkamel, "Ses dirigeants ont saisi Kofi Annan pour 'récupérer' le sud-ouest algérien-Un parti marocain revendique Béchar, *Liberté*, 15 March 2006. Moroccan officials condemned the organization as illegal and apparently decided to try its leader, Mohamed Alouah See Abdellah Ben Ali, "Mohamed Alouah pour suivi par la justice marocaine-Rabat rassure Alger," *Maroc-Hebdo*, available at: http://www.maroc-hebdo.press.ma/MHinternet/Archives_580/html_580/rabat.html. An even more recent minor incident occurred in late July 2007 when Moroccan officers entered seven meters into Algerian territory with their bulldozers to build a road, claiming they were on Moroccan territory. See, C. Berriah, "Incident à la frontière algéro-marocaine," *El Watan* July 26, 2007, online edition.

⁹ For an extensive study of Algeria's Africa policy, see Slimane Chikh, *L'Algérie porte de l'Afrique* (Algiers, Casbah Editions, 1999).

¹⁰ Toby Shelley. *Endgame in the Western Sahara: What Future for Africa's Last Colony* (Zed Books, 2004); Yahia H. Zoubir and Daniel Volman, Eds. *International Dimensions of the Western Sahara Conflict* (Praeger, 1993); Tony Hodges. *Western Sahara: The Roots of a Desert War* (Westport, CT: Lawrence Hill, 1983); John Damis, *Conflict in Northwest Africa: The Western Sahara Dispute* (Hoover Institution Press, 1983).

¹¹ On the conflict, see Alf Andrew Heggoy, "Colonial Origins of the Algerian-Moroccan Border Conflict of October 1963," *African Studies Review*, Vol. 13, No. 1 (April 1970), pp. 17-22.

¹² John Damis, "The Western Sahara Dispute as a Source of Regional Conflict in North Africa," in Halim Barakat, ed, *Contemporary North Africa* (Washington DC CCAS, 1985), pp. 139-140.

¹³ <http://www.icj.cij.org/icjwww/iddecisions/isummaries/isasummary751016.htm>

¹⁴ For a detailed account of Moroccan investments in occupied Western Sahara, see Yahia Zoubir, "Western Sahara Conflict Impedes Maghreb Unity," *Middle East Report*, No. 163, North Africa Faces the 1990's. (Mar - Apr., 1990), pp. 28-29.

¹⁵ Erik Hagen, "Norwegians Shipping Phosphates from Western Sahara," *Norwatch*, June 17, 2007, available at: http://www.vest-sahara.no/index.php?parse_news=single&cat=49&art=538.

¹⁶ For a detailed analysis of the role of oil companies in Western Sahara, see, Philippe Riché, "Le Maroc ouvre le territoire du Sahara Occidental à l'exploitation pétrolière," July 2004, available at: <http://www.arso.org/ressnat3.html>; see also, "Campaign to Stop Oil Exploration in Western Sahara," *Afrol News*, 30 June 2004, available at: <http://www.afrol.com/articles/13488>.

¹⁷ International Mission of Investigation in Western Sahara, January 2003, 50 pages, www.france-libertes.fr

¹⁸ United Nations Security Council, S/2002/161 "Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council," 12 February 2002.

¹⁹ Author's personal files.

²⁰ A good analysis of the plan can be found in Toby Shelley, "Behind the Baker Plan for Western Sahara," *Middle East Report Online*, 1 August 2003. Available at: <http://www.merip.org/mero/mero080103.html>

²¹ Interviews with Algerian officials.



²² On the uprising in the territory, see Maria J. Stephan and Jacob Mundy, "A Battlefield Transformed: From Guerrilla Resistance to Mass Non-Violent Struggle in the Western Sahara," *Journal of Military and Strategic Studies*, Vol. 8, Issue 3 (Spring 2006): pp. 1-32.

²³ Anna Theofilopoulou, "Western Sahara-How to Create a Stalemate," United States Institute of Peace Briefing, May 2007, p. 2. Available at: http://www.usip.org/pubs/usipeace_briefings/2007/0524_western_sahara.html

²⁴ Author's interview with high-level American official, US State Department, Washington, DC, May 5 2000.

²⁵ The text of the proposal can be found on the website of the Moroccan Ministry of Foreign affairs at <http://www.maec.gov.ma/Initiative/En/Default.htm>

²⁶ Carlos Ruiz Miguel, "The 2007 Moroccan Autonomy Plan for Western Sahara: Too Many Black Holes," *Grupo de Estudios Estratégicos GEES* (Analysis n° 196), June 15, 2007. Available at: <http://www.gees.org/articulo/4141/>.

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²⁸ Proposal of the Frente Polisario for a Mutually Acceptable Solution That Provides for the Self-Determination of the People of Western Sahara, Presented to the United Secretary-General on 10 April 2007. Available at: <http://www.arso.org/PropositionFP100407.htm#en>.

²⁹ <http://www.arso.org/PropositionFP100407.htm#en>.

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³³ *L'Expression* [Algiers], July 27, 2003.

³⁴ *Libération*, October 10, 2003.

³⁵ *Le Monde*, November 26, 2003.

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³⁷ Interview with retired French Admiral, Barcelona, December 4, 2006.

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⁴¹ Gabriela González de Castejón, "Entretien avec Gordon Gray," *Revue Afkar/Idées*, No. 9 (Winter 2006), p. 15.

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⁴³ C. David Welch, Assistant Secretary for Near Eastern Affairs, "U.S. Policy Challenges in North Africa," Statement before the House Foreign Affairs Committee, Washington, DC, June 6, 2007, available at: <http://www.state.gov/p/nea/rls/rm/2007/86511.htm>.

⁴⁴ Patrick Worsnip, "Les discussions sur le Sahara occidental s'achèvent sans accord," *Reuters* August 12, 2007.

⁴⁵ See U.S. Department of State, "Office of the Spokesperson, Question Taken at the August 13 Daily Press Briefing," Washington, DC, 13 August 2007, available at: <http://www.state.gov/r/pa/prs/ps/2007/aug/90870.htm>.

⁴⁶ This section draws from pp. 183-84, in Yahia H. Zoubir and Karima Benabdallah-Gambier, "The United States and the North African Imbrolio: Balancing Interests in Algeria, Morocco, and the Western Sahara," *Mediterranean Politics*, Vol. 10, No. 2 (July 2005): pp. 181-202.

⁴⁷ For an excellent article on Spanish policy in the Maghreb, see Miguel Hernando de Larramendi, "La politique étrangère de l'Espagne envers le Maghreb. De l'adhésion à l'Union européenne à la guerre contre l'Iraq (1986-2004)" in *L'Année du Maghreb 2004* (Paris: CNRS, 2006), pp.

⁴⁸ *El Watan*, 22 July 2002.

⁴⁹ "Les relations avec le Maroc sont une question prioritaire pour l'Espagne. Il est lamentable que l'on ait laissé se créer une crise permanente avec le Maroc. Notre priorité va être d'établir avec le Maroc une relation



privilégiée. Plus que jamais, il faut qu'il y ait une complicité entre l'Espagne et le Maroc, entre la France, l'Espagne et le Maroc et entre la France, l'Espagne, le Maroc et le Maghreb..." Interview of Miguel Moratinos in *Le Figaro*, 5 April 2004.

⁵⁰ Toby Shelley, "Sáhara Occidental: esperando la conflagración," *Papeles de cuestiones internacionales*, No. 91 (2005), pp. 69-76. I wish to thank my assistant, Imogen Crowle, for the translation.

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⁵² Ghada Hamrouche, "Les relations algéro-espagnoles, 'un modèle pour les pays de la région,'" *La Tribune*, July 26, 2007.

⁵³ Fernando Aria Salgado, "El Sahara, en la ONU," ABC (Spain), 28 June 2006, available in French at the ARSO website: <http://www.arso.org/ABC280606.htm>.

⁵⁴ Ruiz Miguel, "The 2007 Moroccan Autonomy Plan for Western Sahara: Too Many Black Holes," op.cit.; Theofilopoulou, "Western Sahara How to Create a Stalemate," op. cit.; International Crisis Group, "*Western Sahara: Out of the Impasse*," op.cit.

⁵⁵ Fernando Aria Salgado, "El Sahara, en la ONU," ABC (Spain), 28 June 2006, available in French at the ARSO website: <http://www.arso.org/ABC280606.htm>

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⁵⁷ International Crisis Group, "*Western Sahara: Out of the Impasse*," op.cit., p.ii.