WESTERN SAHARA: LINES IN THE SAND

Erik Jensen. ***Western Sahara: Anatomy of a Stalemate.*** Boulder, Colo.: Lynne Rienner Publishers, 2005. 179 pp. Maps. Appendixes. Bibliography. Index. $15.95. Paper.

Toby Shelley. ***Endgame in the Western Sahara: What Future for Africa's Last Colony?*** London: Zed Books Ltd., 2004. Distributed by Palgrave Macmillan. xii + 215 pp. Chronology. Photographs. Index. $69.95. Cloth. $22.50. Paper.

THE CONCEPT OF NATIONAL self-determination is a legal phenomenon that postulates the right of every nationality group, large or small, to form and govern its own nation-state, or to form a nation-state with another nationality group and decide its form of government. Historically, the concept is closely linked with that of liberal nationalism and is implicit in both the American Declaration of Independence and the French Declaration of the Rights of Man. Reaffirmed by Woodrow Wilson and later by the Atlantic Charter and the United Nations, the principle of self-determination has been seized upon by the people of Western Sahara to assert their own claims to independence. Commendably, these two books, which complement and reinforce each other, seek to answer the question of why these claims have gone unrealized. In doing so, they illustrate the tragic consequences of the inability of African states to solve the problems of the continent. But first and foremost, they offer an insightful case study of the tortuous operations of the United Nations and of how geopolitics and the interests of the great powers impinge on those operations.

The U.N. quest for national self-determination in Western Sahara began formally in the 1960s after the adoption of Resolution 1514 (XV), when the organization pressured Spain to decolonize Western Sahara by means of a referendum enabling the inhabitants to exercise freely their right to national self-determination. In 1967 Spanish authorities in the territory set up a Yemaa, a colonial legislative assembly, which they hoped to control indefinitely. In 1973 a group of Western Sahara nationalists organized Polisario, a national liberation movement, which initiated guerrilla activities against the Spanish administration. In 1974 Spain agreed in principle to a 1973 request by the Yemaa to allow the expression of self-determination, and the Spanish authorities proceeded to conduct a census of the territory in anticipation of a 1975 referendum. The census counted only Sahrawis within the territory. Those who had fled after a 1957 armed uprising to Tarfaya strip (which Spain had turned over to Morocco in 1958) and to other areas were excluded. This flaw became crucial in later arguments about voter eligibility in the self-determination referendum.

In the meantime, two African neighbors, Morocco and Mauritania, rejected the idea of self-determination in the Spanish colony, asserting instead "historical" claims to sovereignty over the territory. Note that

https://doi.org/10.1353/arw.2006.0113 Published online by Cambridge University Press

Morocco had made similar claims on Mauritania. In response, the U.N. sent a fact-finding mission to Western Sahara in May 1975 that found an overwhelming consensus in favor of independence and against integration with any neighboring country. Also, at the instance of the two African claimants of sovereignty over the territory, the U.N., by Resolution 3292 (XXIX), December 13, 1974, sought and obtained an advisory opinion from the International Court of Justice at the Hague. In October 1975 the Court rendered the opinion that while there had been certain legal ties between some groups in the disputed territory and Morocco and between others and Mauritania, those ties did not constitute legal sovereignty and that there had been no international recognition of such ties.

The verdict proved moot. Morocco ignored it. On November 6, 1975, when the leader of Spain, Francisco Franco, lay seriously ill, King Hassan II organized the so-called Green March and invaded Western Sahara with three hundred and fifty thousand unarmed Moroccan volunteers waving copies of the Koran. As the Green March was carried out, the Ford administration persuaded Spain, which was wrestling with an impending succession crisis, not to risk any conflict with Morocco over Western Sahara. As a consequence, Spain, in defiance of the will of the inhabitants of the territory, concluded with Morocco and Mauritania a tripartite agreement whereby administrative responsibility over Western Sahara was to be transferred to the two claimants. On February 26, 1976, Spain withdrew from the territory. Immediately, Morocco annexed the more populous and phosphate-rich northern two-thirds, while Mauritania grabbed the southern third, which has extensive fishing resources.

Neither the Organization of African Unity (now the African Union) nor the U.N. recognized the partition and annexation. However, neither initiated any punitive measures (such as economic sanctions) to reverse the partition and annexation. For its part, the Polisario movement on February 26 declared the territory independent under the name of the Saharan Arab Democratic Republic (SADR). It evacuated one hundred and seventy thousand Sahrawis to Tindouf in northwest Algeria, where they were granted autonomy by the Algerian government. With the help of Algeria, which had insisted that a colonial territory was entitled to self-determination, it mounted a war of national liberation against the two occupying African nations. Libya provided support until 1984. Mauritania, the weaker of the two occupants, bore the brunt of the war. Military expenditures and losses arising from the campaign wrecked its economy and drove the government into bankruptcy. The armed forces overthrew the government of Ould Daddah in 1978 and on August 6 negotiated an agreement in Algiers with Polisario by which they renounced all claims to Western Sahara.

King Hassan became even more audacious after the Polisario-Mauritania agreement. He immediately extended his kingdom's occupation of the former Spanish colony by annexing the southern third renounced by Mauritania. As the war continued, Morocco managed to hold on to Western

https://doi.org/10.1353/arw.2006.0113 Published online by Cambridge University Press

Sahara at great expense. It did so with military, material, and diplomatic support of the United States and France and subventions it received by way of arms purchases paid for by Saudi Arabia. At the same time, SADR obtained diplomatic recognition from more than seventy-five nations and membership in the OAU. As a consequence of the latter, Morocco withdrew from the organization.

In the meantime, the war had become a major economic drain, more costly than the belligerents and their major supporters had expected. It also caused disunity in both the Maghreb and the OAU. Eventually, Polisario leaders and Morocco accepted a 1988 U.N.-brokered cease-fire and Settlement Plan and agreed to submit their dispute to a popular vote on independence or integration with Morocco. In April 1991 the U.N. established a special peacekeeping force, the U.N. Mission for the Referendum in Western Sahara (MINURSO). The force was to monitor the cease-fire and confinement of Moroccan and Polisario troops to designated locations, verify the reduction of Moroccan troops in the territory, identify and register qualified voters using the 1974 census as a basis, organize and ensure a free and fair referendum, and announce the results. The referendum was to take place in January 1992. Meanwhile, the cease-fire accord had taken effect in September 1991.

The identification process for the referendum was not launched, however, until August 1994. Since then, the core problem that has prevented the holding of the referendum as provided by the 1988 Settlement Plan has been the issue of identifying the electorate; Polisario and Morocco have remained inflexibly rigid. Polisario argued, in accord with the Plan, that only those people and their descendants who had been in Western Sahara at the time of the 1974 census by the Spanish colonial administrators should vote. Morocco, which had been settling Western Sahara with its citizens since 1976, wanted to allow all "Sahrawis" outside and living within the territory at the time of the plebiscite to vote. In the end, the voting list provided by the secretary-general in accordance with the U.N. Settlement Plan proved unacceptable to both Morocco and Polisario. Accordingly, the identification process halted in 1995.

In order to break the deadlock over a voter registration list, Secretary-General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy in March 1997. By September of that year Baker had brokered a series of accords, called the Houston Agreements, on voter identification, refugee repatriation, troop confinement, and a code of conduct. Voting was to take place in December 1999. Morocco and Polisario leaders agreed in April 1999 to expedite appeals for rejected applicants once the identification process was completed, and the identification process resumed. By the time it concluded, a grand total of 195,589 individuals had been interviewed. Those found eligible to vote numbered 86,412, a modest increment to the 72,370 on the revised 1974 Spanish census list. Appeals against inclusion as well as omission ultimately totaled

https://doi.org/10.1353/arw.2006.0113 Published online by Cambridge University Press

131,038 (Jensen 99–100), the vast majority of them filed by Morocco. A major disagreement arose over the status of three specific ethnic groups, involving about 165,000 applicants considered Sahrawis by Morocco and Moroccans by the Polisario. This disagreement was not resolved.

Consequently, as the identification process appeared to have produced an electoral roll favoring Polisario, it was rejected by Morocco, once again preventing the referendum from taking place. By Resolution 1309, the Security Council extended the mandate of MINURSO to October 31, 2000, although earlier Kofi Annan had offered a bleak assessment of the referendum's future and had expressed concerns about whether it would ever be held. Notwithstanding Annan's assessment, Baker was mandated "to explore ways and means to achieve an early, durable, and agreed resolution on the dispute" (Shelley 147; Jensen 103). Accordingly, in 2001, after consultations with the disputing parties, Baker proposed a Framework Agreement which would grant enhanced autonomy to Western Sahara within Morocco and designate a period of four years during which the territory would be run by an executive elected by voters eligible to vote in the abandoned referendum. Within five years of the agreement's taking effect, a referendum would be conducted on the status of the territory. Voting eligibility would be based on full-time residence in the territory for the preceding year.

Baker maintained that his proposal would promote not only a settlement of the conflict but also peace and stability within the Maghreb, and the United States, France, and Britain actively lobbied for acceptance. Whereas the 1988 Security Council Settlement Plan lacked an enforcement mechanism, the United States and France offered to guarantee the proposed Framework Agreement. Russia refused to accept it, as did both Polisario and Algeria. It was at this stage that the Security Council, having considered other options suggested by Kofi Annan, retreated from the Framework Agreement. The Council asked Baker to rework his proposals, taking into account the concerns expressed by the parties and "providing for self-determination" (Shelley 163; Jensen 109).

Baker resumed his mission and produced a refined Framework Agreement which postponed the referendum. It enumerated the specifics of an enhanced autonomy for Western Sahara within Morocco and offered provisions for a referendum of self-determination after a five-year period of autonomy in which Sahrawis would register under the 1988 Settlement Plan process and other adults continuously resident in Western Sahara since December 30, 1998, would vote. While this provision was to ensure that Morocco would not flood the territory with new voters, the vast bulk of its settlers, who outnumber accredited Sahrawi voters by four to one, would vote (Shelley 157). The U.N. would have the final say about voter eligibility.

The United Sates, Britain, and Spain expressed support for the reworked proposal but would not demand its imposition. Although it

https://doi.org/10.1353/arw.2006.0113 Published online by Cambridge University Press

appeared that Polisario's response to it was a "request for clarification or negotiation," the leaders regarded the 1988 Settlement Plan as "the only basis for agreement" (Shelley 158). But in July 2003, in response to intense pressure from their major supporter, Algeria—which Morocco's staunchest supporters, the United States and France, had wooed into increasing rapprochement—they expressed their readiness "to contribute to [its] effective exploration to achieve the objective that cannot be renounced of the self-determination of the Sahrawi people" (Shelley 161). For its part, Morocco, supported by France, rejected the reworked proposal. It expressed anger at the United States and the U.N. Secretariat. Later, the Moroccan king, Mohammed VI, was reassured by President George W. Bush that the United States "would not impose a solution unacceptable to Morocco or have the Security Council . . . do so" (Jensen 113). Frustrated by Morocco's rejection of the refined Framework Agreement, Baker resigned in June 2004 as Kofi Annan's special envoy to Western Sahara. His replacement, Peter van Walsum of the Netherlands, assumed office in July 2005. Meanwhile, the Security Council kept extending the mandate of MINURSO. Thus has the application of the principle of national self-determination in Western Sahara been left hanging in the balance for more than three decades.

THE TWO BOOKS under review document this long saga. In *Western Sahara: Anatomy of a Stalemate*, Erik Jensen, formerly a U.N. undersecretary-general and head of MINURSO from 1994 to 1998, traces the history of the efforts undertaken by the U.N. since the 1960s to determine the issue of sovereignty in Western Sahara. With his intimate knowledge of Northwest Africa he provides a succinct geopolitical, historical, and sociopolitical context for understanding the Western Sahara conflict and the U.N.'s failure to implement its program of national self-determination in the territory through a winner-take-all referendum of the people.

As chairman of MINURSO's Referendum Commission, Jensen describes the major issues that characterized the process, focusing especially on the identification of an electorate—who is a Sahrawi? who is a Western Saharan?—deemed qualified to vote in the referendum. He asserts that the identification procedure "was at the core of the flawed United Nations settlement plan. . . . It also has been the most divisive issue, intended to establish the determining 'self' in a choice between Morocco and independence" (11). Not surprisingly, then, he devotes two-thirds of his book to the issue. He suggests that the settlement sought "would never be accomplished on a basis of voluntary cooperation" (11). He reveals that "although it was not made explicit," it was his "impression, subsequently reinforced by word and in action" that he, as the chairman of the Identification Commission, "was not expected to succeed; meaningful action lay elsewhere" (59). It was also his view, shared by the secretaries-general and the influential friends of Morocco, that "a realistic solution to the conflict

https://doi.org/10.1353/arw.2006.0113 Published online by Cambridge University Press

would require a politically negotiated compromise to be endorsed in an act of self-determination" (74). At one of the informal closed meetings of Security Council members that precede decisions or debate in open session, Secretary-General Boutros-Ghali conceded that "although he had hoped to see identification completed, he had not really expected the referendum as envisioned in the settlement plan to prove possible. His hope had been that faced with the realities of the figures emerging from the identification, the parties [to the dispute] would start direct negotiations" (83). Jensen also notes that in his 1997 inaugural report to the Security Council, Kofi Annan hinted at his belief that the U.N. could help implement the referendum in ways other than the Settlement Plan.

The revelation of these beliefs and hopes by such powerful forces raises the question as to why in these circumstances the Security Council devoted so much effort, time, and resources to the winner-take-all Settlement Plan. Jensen's answer: MINURSO, and by implication the secretaries-general and the Security Council, "needed to keep the settlement plan in gear, albeit low gear, for long enough to convince both parties and the outside world that identification [of the electorate to vote on the referendum] should be a stepping stone to self-determination by way of a negotiated agreement within or outside the settlement plan" (5). This was the essence of the Baker Proposed and Refined Framework Agreement of 2003 which was rejected by Morocco.

Jensen documents how external events and interests of the major powers adversely affected the proposed referendum. The Cold War and its alliances influenced the attitudes and positions of the superpowers and their allies on the conflict. The perception of U.S. leaders about where their interests lay—Western Sahara was not Kuwait, Iraq, Cyprus, or the former Yugoslavia—as well as big power competition, all had an impact. Further, Jensen narrates how the U.N. contributed to the failure to conduct the referendum. For example, the General Assembly adopted two contradictory resolutions on the same day on Western Sahara. For its part, the Security Council countenanced the core difficulty in its Settlement Plan—establishing the electoral roll for the referendum. It shunned any arbitration role and exerted no pressure on the parties to make concessions on the criteria for the identification procedure for the referendum. It simply called on the parties to cooperate voluntarily. From the beginning it had no mandate, sanctions, or demand that the parties comply with a decisive plan of action. The Council found it convenient on various occasions "to entrust the Secretary-General [with] problems that seemed insoluble . . . to foster the illusion of action or to shift responsibility" (118). Jensen draws the obvious conclusion: The U.N. Settlement Plan failed in many respects but succeeded in saving lives by means of a cease-fire; at the same time it removed "the incentives to compromise that arise when fighting leads to exhaustion and grows too costly, so that an alternative becomes appealing" (118). In so doing, it benefited Morocco as the occupying and controlling

https://doi.org/10.1353/arw.2006.0113 Published online by Cambridge University Press

authority.

Given the fact that Jensen was intimately involved in the subject matter of this book, it is commendable that his effort is transparent and fairly objective and not merely an explanation of his role in MINURSO. He employs diplomatic language to avoid offense and to allow readers to draw their own conclusions, but he also responds to some of the criticisms leveled at him and MINURSO for failing to take a tough stance against Morocco's obstructions and heavy-handedness. While he stresses Algeria's well-known support for Polisario, he fails even to mention the more extensive and effective diplomatic, military, logistic, and material support and counsel that the United States, France, and Saudi Arabia provided to Morocco. Nor does he give any hint of the decisive pressure the Ford administration exerted on Spain in November 1975 which facilitated the tripartite accords to transfer administrative responsibility for Western Sahara to Morocco and Mauritania. It was this pressure and support for Morocco that tipped the balance in Morocco's favor and sustained its intransigence and dilatory strategies. His claim that Mauritania "was forced to relinquish its share [of Western Sahara] to Morocco" (116) is not completely accurate in light of the Treaty of Algiers (1979). Morocco militarily occupied the area it had conceded by the tripartite agreement of November 1975, indicating bad faith and an insatiable appetite for imperial and territorial expansion.

In *Endgame in the Western Sahara: What Future for Africa's Last Colony?* Toby Shelley, a *Financial Times* journalist, examines the geopolitics of northwest Africa. He focuses on the natural resources—rich fisheries, phosphates, and potential minerals—in Western Sahara, Algerian-Moroccan rivalry, and internal dynamics inside Western Sahara, including the political development of Polisario as an independence movement, repression in the territory by Morocco, and uprisings in the occupied territory after the death of King Hassan II in 1999. He describes how the internal dynamics of the territory affected the structure of nationalist expression, the growth of civic organizations, and disfranchisement of the ordinary Sahrawi, and also how Polisario was weakened, especially by imprisonment and bribery of its leaders.

Shelley relies not only on his knowledge and experience as a journalist and on secondary sources but also on extensive interviews with the principals in the conflict. He illuminates European and United States' competition for influence in northwest Africa, Morocco's thirty-year occupation and control of Western Sahara, why the Security Council procrastinated on the issue of self-determination for the territory, and the evolution of the U.S.-backed Framework Agreement on the territory. He notes that Polisario leaders believed that with the weight of the U.S. government behind the Baker appointment, and also with the removal of U.S. Cold War rationale for supporting Morocco, the referendum would finally take place. The

https://doi.org/10.1353/arw.2006.0113 Published online by Cambridge University Press

belief was further strengthened by the August 1999 referendum in East Timor after two decades of occupation and ravages of the people by the Indonesian government and its militias and security forces. He explains how Hassan II, supported by France and the United States, frustrated this hope. There was concern after his death, Shelley points out, about whether his untested and less confident son and successor, Mohammed VI, would maintain his strong hold over Morocco. Moroccan officials were also concerned that the referendum would favor independence, given the failure of their attempts to register thousands of their nominees as eligible voters in the referendum. For their part, Polisario leaders agonized that the new king lacked the authority and flexibility of his father "to deliver a satisfactory solution, particularly as new international pressure came into play in the Maghreb" (200).

Shelley narrates how, in a meeting with Baker in Berlin in 2000, Moroccan officials made it clear that they would not permit a referendum they could not be sure Morocco would win. Paris and Washington acquiesced; they had reached the same conclusion. They doubted the new king's authority in his kingdom and believed that the loss of the referendum, which looked increasingly likely, would destabilize Morocco. It was at this stage that Baker began informal sounding of Algeria and Polisario about autonomy within Morocco and the French began to shore up Mohammed VI with high-level visits and plans for formal military cooperation. Also French President Chirac held talks with the new Moroccan king about how to contain Western Sahara, increase Sahrawi representation in the local government, reduce social inequalities between Sahrawis and Moroccans in the territory, and avoid a repetition of uprisings that had occurred there after his father's death. The 2001 proposed Baker Framework Agreement offering autonomy for Western Sahara under Moroccan sovereignty apparently had taken these concerns and maneuvers into account, but it was rejected by Polisario. *Endgame in the Western Sahara* is critical of the reworked Framework Agreement. To the author, it "[turned] the referendum process on its head" (87), subverting the intent of the plan, which was clearly to ensure that it was the Sahrawis alone that would decide the fate of the territory. By enfranchising Moroccans whom Hessian II and his son Mohammed VI had deliberately moved into Western Sahara by stealth and bribery, it legitimized the process that had turned the Sarawak into a minority in their own homeland and massively weighted the referendum toward integration with Morocco.

The author's analysis is nuanced and well documented. He asserts that the fate of the Sahrawis "is a matter of supreme indifference to the members of the Security Council except to the extent [that] it impinges on their economic and political ambitions" (200). He explains that the Security Council is not necessarily the major actor in the Western Sahara conflict. In spite of their power politics, economic rivalry, and competition for influence in northwest Africa, the United States and France, with the active par-

https://doi.org/10.1353/arw.2006.0113 Published online by Cambridge University Press

ticipation of Britain and Saudi Arabia, are the principal external players. Moscow, too, has been more interested in consolidating its trade deals with Morocco than in offering any direct assistance to Polisario. The coincidence of the end of the Cold War and the U.N. Settlement Plan put the conflict almost in a closed file.

Shelley identifies the consequences of the conflict for the Maghreb in general. It has bedeviled attempts to implement the Arab Maghreb Union, created in 1989 as a vehicle for the economic integration of the states of the region. It has also obstructed Algeria-Morocco joint exploitation of iron deposits around Tindouf, Gara Djebilet, and Abdulaziz Melchir. For Morocco, in particular, it has imposed a financial burden on the fragile economy. In conclusion, *Endgame in the Western Sahara* provides a comprehensive understanding and grasp of operative forces in the struggle for national self-determination in Western Sahara. It bares the underlying reasons for the failure of the United Nations over a period of eighteen years and counting to implement its plan in the territory.

F. Ugboaja Ohaegbulam
University of South Florida
Tampa, Florida

https://doi.org/10.1353/arw.2006.0113 Published online by Cambridge University Press