

Western Sahara: understanding the conflict and its deadlockⁱ

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"The Arabs who have been treated worst of all are the people of Western Sahara, who have had their country stolen out from under them. Morocco has occupied Western Sahara - a former Spanish colony - treated its people barbarously, defied the International Court of Justice and tried to annex the territory for its natural resources. Yet hardly any Arabs or Westerners have ever championed their cause..." **Nicholas D. Kristof¹**

"I have always said that, in this country, the rights of man stopped at the question of the Sahara. Anyone who said that the Sahara was not Moroccan could not benefit from the rights of man" **King Hassan II²**

"....The only thing similar I had seen with my own eyes was the treatment of blacks in apartheid South Africa, and the similarities were startling..." **Ambassador Frank Ruddy³**

Introduction:

The conflict in Western Sahara, which is opposing the Kingdom of Morocco to the *Frente Popular para la Liberación de Rió de Oro y Saguia el Hamra* (Polisario), has caused confusion among those who follow closely the question. The Territory has often been classified as Africa's last colony, an unresolved colonization process. On the other hand others consider Western Sahara as part of Morocco, and the conflict a challenge to the territorial integrity of the Kingdom in the north western tip of the African continent.

Attempts to address the conflict have faced numerous setbacks. The multifaceted nature of the conflict is at the heart of the challenge, leading the conflict to drag on for more than three decades.

The aim of this paper is to provide a comprehensive background on the roots of the conflict but also to understand the reasons behind the continuous failure of

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the peace process with a particular focus on the Baker Plan II. The paper will first briefly discuss the history of Western Sahara from pre-colonial to colonial times. A discussion on the history of the Territory is not only aimed at familiarizing the reader with the area, but most importantly it is due to the author's belief that the roots of the conflict are not recent, but can be traced back to centuries ago.

The paper will then shift to the post-Spanish colonization, or rather the Moroccan occupation. The author will also provide a geo-economic as well as a geo-strategic explanation to the conflict before moving to the analysis of the failures of the international community to resolve the conflict. The paper will conclude with some suggestions.

1. The land and its people:

Situated in north west Africa, the continent's last colony is a territory that extends over 266 000 square kilometers, with a total land boundaries of 2046 kilometers and a coastline that runs for 1110 kilometers along the Atlantic. The territories are bordered by Morocco to the north, Mauritania to the south, the Atlantic Ocean to the west, and Algeria and Mauritania to the east. The land can be divided into two regions: Saguia al-Hamra and Rio de Oro. The former, in the north, constitutes 31% of the territory. Rio de Oro, which is situated in the southern part, covers the remaining 69%.⁴

Present day Western Sahara was inhabited by two major Berber nomad tribes, namely the *Zenata* and the *Sanhaja*. Prior to the arrival of the *Sanhaja*, trade relations were established between Berbers of North Africa and Black Africans—who were, it is believed, the indigenous inhabitants of the area before they mixed up with Berbers and Arabs. Commercial exchanges were made possible by the caravan trails, which crossed the desert from Marrakech to the region of the upper Niger River.⁵ The *Sanhaja* Berbers succeeded in relocating the Black population to the Senegal River, which today constitutes the southwest borders of Mauritania. By the 9th century the *Sanhaja* became known for their warlike qualities.⁶

The Arab expedition to the Maghreb, which started in 647 A.D, and led by Okba Ibn Nafi, was particularly successful despite fierce opposition by the Berbers.⁷ It has indeed islamised the region, and fostered an Arabic character that still dominates up until today. The common religion allowed the rise of a new dynasty, *Almoravids (Al Murabitun)*, a group of Koranic interpreters.⁸

The present-day Sahrawi's are the direct descendents of tribes that migrated from Yemen in the 15th Century, after crossing North Africa and eventually settling down in Western Sahara. These tribes have clashed with "outsiders" over the centuries to follow. The situation was put to an end in the 18th century when Saguia el-Hamra, which became to be known as the "Land of Saints",

became a centre of learning.⁹ The invasion of the Arab Yemenites, also known as the *Maqil*, further shaped the cultural, political and linguistic (*Al Hassaniya*) character of the population. Between 1400 and 1700 intermarriages between the *Maqil* group and the indigenous population of Western Sahara has led to the emergence of a new ethnic group known as the *Moors*.¹⁰ Being Arabophone, the Moors are distinct from other Berber speaking *Touareg* (nomads), black Africans, and the Berbers of *Souss* and the Anti-Atlas.¹¹

The pre-colonial Sahrawi society was divided into tribes and castes. The highest class was the *free Qabael*, which was constituted of two groups: *ahel mdafa* and the *shorfa*. The second class is the Qabael of *tributary* status, named the *znaga*, who was forced to pay taxes to the free of the first class in order to be protected. At the bottom of the hierarchy were the *maalemin*, the *iggawen*, and the *abid* (slaves). These were subordinate to the two top tribes. Politically the Qabael were organised in the form of a *Djemaa*, which was constituted of wise, aged, and wealthy men (*shioukh*) from distinguished families.¹² This traditional political arrangement was maintained during the Spanish occupation, as Spain governed the territories through "indirect rule".¹³ Hence it can be maintained that pre-colonial and even colonial Western Sahara did have some form of a political organisation.

There are three main population groups in present-day Western Sahara. The largest is the *Tekna*, which are related to Berber-speakers of southern Morocco. The other two groups, the *Regeihat* and *Oulad Delim*, are Arabic-speaking and live along the coast as they mainly include fishermen.¹⁴ It is suggested that ethnicity has exacerbated the Sahrawi conflict. Leenders, for instance, maintains: "Ethnic factors in the conflict can be recognised in POLISARIO's claim to represent a separate nation different from Morocco by its descent from three ethnically and culturally distinct peoples- the Sanhaja Berbers, Bedouin Arabs and Africans..."¹⁵

It is problematic to determine the exact number of the population. According to recent statistics, which were done in July 2003, the population of Western Sahara is estimated at 261 794.¹⁶ This figure however ignores a substantial number of Sahrawis living in refugee camps in neighbouring countries,¹⁷ including the Tindouf region of Algeria. It is estimated that up to 200 000 Sahrawis live in refugee camps in Tindouf.¹⁸ Other refugees, smaller in number, are also concentrated in Mauritania, the Canaries Islands, and Spain.¹⁹ Further, with a substantial number of the population being nomadic and moving across international borders, it becomes very difficult to assess its number.²⁰

2. Colonisation:

The colonial history of Western Sahara should be understood within the context of European domination of and influence on the Maghreb region. In other words understanding the history of the territories plays a major role in understanding

the roots of the current conflict, as well as the current deadlock in the resolution of the issue. Let us first look at the process that led to the colonization of Western Sahara by Spain.

In 1727 and 1799, and in order to guarantee the security of its Canarian fishermen, Spain signed two treaties respectively with Sultan Sidi Mohamed Ben Abdallah (Marrakech Treaty) and Sultan Moulay Souleiman (Meknes Treaty).²¹ It is worth noting that both treaties were used during the 1975 hearings of the International Court of Justice (ICJ) in order to study the case of the sovereignty of Western Sahara.

Interaction between Western Sahara and Spain was limited. Spain's main interest in Western Sahara was principally determined by its desire to protect the Canary Archipelago, and particularly the fishermen. In December 1884, and following Captain Emilio Bonelli Hernando's successful conquest of Villa Cisneros, currently known as Dakhla, a Spanish royal decree announced the kingdom's intention to occupy Rio de Oro.²² The declaration stated: "Considering the importance of the Spanish installations...and in view of the documents signed by independent tribes...who have on various occasions asked for and obtained the protection of the Spanish...the King has decided...to take under his protection the territories...between Bahia del Oeste [La Guera] and Cape Bojadr."²³ The Berlin Conference of 1885 ratified the proclamation.²⁴

With France becoming a major expansionist power in North and West Africa, Spain was compelled to negotiate with its European neighbour in order to demarcate the frontiers between French and Spanish colonies and protectorates. The Franco-Spanish negotiation accumulated in three consecutive accords. The Treaty of Paris in 27 June 1900 defined the southern and western borders of Rio de Oro. The Convention of Paris in 4 October 1904 determined the frontiers of the Saguia el Hamra and the Tarfaya region. Lastly the Madrid Convention of 27 November 1912 confirmed these borders and limited that of the Ifni enclave. Hence the so-called "Spanish Sahara" encompassed Rio de Oro, Saguia el Hamra and the Tarfaya region. The decisions have engendered a major resistance movement led by Shaick Ma al-Aineen, a politico-religious leader, and including tribes from Mauritania, Wadi Dahab, and Saguia el Hamra.²⁵ When Morocco failed to help the Sahrawi resistance, Ma al-Aineen turned against the Moroccan king, and attacked the Kingdom hence succeeding in taking over Marrakech before being stopped by the French in Fez in 1910 (France has settled in Morocco by 1910 although the Protectorate was only signed in 1912).²⁶ Ma al-Aineen deceased in 1910, after which his son El Hiba carried on the struggle. He was defeated by the French in 1912.²⁷ The Sahrawi-French confrontation continued before being suspended following France's success in eradicating the last pockets of resistance in the Anti-Atlas Mountains in 1934.²⁸ Furthermore, in 1936, France threatened to occupy Wadi Dahab (Rio de Oro) and Saguia el Hamra, two territories that maintained their resistance to attempts of pacification. Faced with this diplomatic crisis with France and in

collaboration with the French army, Spain was able to contain the Sahrawi resistance and hence truly take control of Spanish Sahara.²⁹

It was until 1930 that Spain formally occupied the territories.³⁰ Due to its poor economic potential, Spanish Sahara was of little significance to the Spanish government until it decided to annex it to its protectorate in northern Morocco, between 1934 and 1946. From 1946 to 1958 the territories formed part of *África Occidental Española* (AOE). Following the dissolution of the AOE in 1958, the current territories of Western Sahara became a Spanish province under the name of *Provincia de Sahara*. It was administered by a governor-general who was militarily responsible to the Captain-General of the Canaries, and in civilian matters to the Presidency of the Council of Ministers in Spain.³¹

Following its independence in 1956, Morocco reiterated its claims for the creation of the "Great Morocco", a kingdom expanding from the Mediterranean coast to the Senegal River, and including a part of the Algerian desert. Such a vision has intensified the Sahrawis' rebelliousness, which was marked by a number of attacks expanding south to Mauritania. Furthermore, encourage by the outbreak of the Algerian liberation war in 1954, and the independence of, both, Morocco and Tunisia in March 1956, the Sahrawi's were more motivated, and hence launched the first important challenge to the Spanish colonisation in the form of a revolt between 1957 and 1958.³² Spain hence found itself in a difficult situation, and called for French support.³³ In 1958, the Franco-Spanish cooperation culminated in a military action, the "*Escouillon*" operation, which eventually succeeded in containing the Sahrawi resistance.³⁴

3. From decolonisation to re-colonisation!

In 1960 the United Nations' the commitment to the process of the decolonisation of occupied lands led to the adoption of a resolution that called for the independence and self-determination of occupied territories. On this line, and on 16 December 1965, the United Nations General Assembly adopted a resolution requesting Spain to grant independence to the Sahrawis. A year later on 20 December 1966, the General Assembly passed another resolution stipulating that Spain should organise a referendum, under the auspices of the United Nations, in order to determine the status of Western Sahara.³⁵ In June 1966 the United Nations Special Committee on Decolonisation held a meeting, wherein Morocco and Mauritania supported the independence of Western Sahara.³⁶

The Nouadhibou meeting between Morocco, Algeria, and Mauritania on 14 September 1970, which was concluded with the declaration of a common position concerning the Western Sahara issue. The three parties acknowledged the principle of self-determination of Western Sahara as stipulated in the United Nations General Assembly's resolution of December 1965.³⁷ In July 1974, a tripartite summit conference between Houari Boumedienne (Algeria), King Hassan II (Morocco), and Mokhtar Ould Daddah (Mauritania) was held in

Agadir, Morocco. The final joint communiqué stated: “[the three heads of states] reaffirmed their unwavering attachment to the principle of self-determination and their concern that this principle was implemented in a framework which guaranteed that the will of the Sahrawis was given free and genuine expression, in conformity with the UN decisions on this question.”³⁸ The aforementioned Moroccan and Mauritanian declarations will soon stand in contradiction with the historical development.

In 1974 and under international pressure Spain informed the UN that a referendum will be held in 1975 to grant an independent status to Spanish/Western Sahara. Awaiting the International Court of Justice's consultative opinion on Moroccan and Mauritanian claims, Spain announced its *Estatuto Politico* for the internal autonomy of Spanish Sahara.³⁹

3.1 Morocco's first claims:

Convinced that Western Sahara is historically part of the Allawite pre-colonial Kingdom (Moroccan Kingdom) King Hassan II called on the International Court of Justice (ICJ) in order to study the status of the territories.⁴⁰ Consequently, and in May 1975, the United Nations sent a special commission to the region in order to study the situation on the terrain, and prepare a final report. The mission was composed of representatives from the Ivory Coast, Iran, and Cuba. The final report, which was made public in October of the same year, suggested that the majority of the population was “in favour of independence and against Moroccan and Mauritanian claims.”⁴¹ Following these conclusions the International Court of Justice (ICJ) affirmed: “...Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain was not a territory belonging to no one (*terra nullius*).” Additionally it has noted:

The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights, including some rights relating to the land, which constituted legal ties between the Mauritanian entity...and the territory of Western Sahara. On the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty [own emphasis] 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.*⁴²

On the same day of the ICJ's final verdict, the then Moroccan King, Hassan II announced the "*Green March*", which was to lead 350 000 people to Western Sahara in order to regurgitate Moroccan claims of the Sahrawi territories. As a result negotiations were undertaken between Rabat and Madrid, which led to the postponement of the march. However, on 6 November, the demonstrators penetrated in Western Sahara and stayed there for few days.⁴³ This allowed the Moroccan King to regain support within his entourage and the political class. The March generated several international reactions, notably from the UN Security Council, which in its resolution of 6 November 1975 condemned the Moroccan action, calling upon Morocco to "withdraw from the Territory of Western Sahara all the participants in the march".⁴⁴

3.2. Relinquishing Western Sahara: the historical gaff!

Still aiming to bargain a solution to the crisis that would be both accepted by the UN and accommodative to its interests, Spain hosted a tripartite talk between Morocco, Mauritania and the Spanish government. The negotiations were concluded with the signature of the *Madrid Accord*, in 14 November 1975, which relinquished Spanish Sahara to Morocco and Mauritania.⁴⁵ With these developments the Djemaa in place was dissolved and the pro-Polisario Provincial Sahrawi National Council was established. Spain officially withdrew on 28 February 1976, before Morocco and Mauritania took over in 14 April of the same year.⁴⁶ The establishment of a tripartite administration followed the Madrid Accord. It was headed by a Spanish governor-general. Noteworthy is that on 14 February 1976, the then Spanish foreign affairs Minister announced that his country did not transfer the *sovereignty* of Western Sahara to Morocco and Mauritania, but it has simply ceded the territory's *administration*.⁴⁷

The turmoil in Western Sahara started to take its toll as soon as the Spanish position was announced. The *Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro* (POLISARIO), which came into existence on 10 May 1973 as a liberation movement against the Spanish rule in the Territories, led several actions against Morocco and Mauritania.⁴⁸ In January 1976 the Front attacked *Fosbuccraa* conveyor belt, hence preventing the mining of phosphate for a number of years. Furthermore, following the announcement of the establishment of the Sahrawi Arab Democratic Republic (SADR) on 27 February 1976 the Polisario launched a number of military strikes across southern Morocco, and especially Mauritania. On 8 June 1976 it attacked Nouakchott, the capital of Mauritania. In 1977 Zouerate and Oum Drouss were targeted. Spanish fishing boats were not excluded, as they were subject to attacks, notably in April and November 1977, and April 1978.

Following the *coup d'état* in Mauritania on 10 July 1978, the Polisario Front declared a cease-fire, which led to the signature of the Algiers Agreement

between the Polisario and Mauritania on 5 August 1979. Mauritania subsequently withdrew from Western Sahara. Following this development Morocco decided, unilaterally, to annex the southern part of the territory. The UN General Assembly reacted, and adopted a resolution urging Morocco to withdraw.⁴⁹

4. Why is Western Sahara so important?

It is often maintained that Western Sahara is simply a desert that does not offer much. Yet it is a land with a major natural potential, including oil, minerals, and fishing. Furthermore its geographical position allows it to be considered as a key geo-strategic territory. The economic and political dimensions of the Sahrawi conflict were put forward by specialists on the Western Sahara question in their attempt to understand the positions of the countries part of and interested in the conflict. This dimension is indeed crucial in dealing with conflict resolution. Our discussion will first tackle the geo-economic factor followed by a geo-political and strategic assessment.

4.1. The potential geo-economic significance of the Western Sahara for the parties involved:

The Western Sahara Territories are rich in natural potential. In 1963 studies have shown that the Dakhla area in the southern coast consists of important underground lakes.⁵⁰ This has important geo-economic implications; especially that water is increasingly becoming a thorny issue for many countries in the region. As predicted by a number of studies water will soon become a major source of conflict in the world.

The land is also rich in phosphates, which is mainly concentrated in Saguia al-Hamra.⁵¹ The phosphate mining industry is currently the lifeline of the economy, constituting 62% of the Territory's exports.⁵² From the perspective of an eventually independent Western Saharan state, the full exploitation of its rich reserves of phosphates would give the country one of the highest per capita incomes on the African continent, due to its small population. In fact, the 1975 UN Mission to the territory came up with the conclusion that if the deposits were fully developed, they alone would 'furnish a per capita income equal to that of some developed countries in Western Europe.'⁶¹

As far as the phosphate question is concerned, it is important to note that the Western Saharan phosphates only constitute one-eighth of total Moroccan produce of its large deposits/reserves. Future exploitation of the rich deposits of phosphates at Ben Guerir, Sidi Hajjaj and Meskala will mean that Morocco does not need the Western Saharan resources.⁵⁹ Nevertheless it should be noted that the Bu Craa phosphates in Western Sahara are more profitable to mine and process, being closer to the surface of the earth and higher in quality—80 percent of bone phosphate of lime – compared to Morocco's deposits of 68 and

77 percent at the mines at Khouribga and Youssoufia. Despite the importance of the phosphate industry for Morocco, the author maintains that, unlike it has often been over-emphasised by other authors, the phosphate factor is secondary. As a matter of fact the authors support Damis's point that the phosphate factor in the Western Saharan conflict is a 'marginal issue'.⁶⁰

Oil is also becoming a key area of concern for many analysts of the Sahrawi conflict. As a matter of fact some suspect that the current deadlock and the UN's failure to resolve the conflict are related to an attempt to secure European and American interests in the region. A number of companies, originating from such countries, are currently benefiting from the Sahrawi oil. The American Kerr McGree, which has links with the current Vice President Dick Cheney and James Baker himself, as well as the French Total Fina Elf both received contracts from Morocco to exploit Sahrawi oil.⁵³

Other natural resources that have significant geo-strategic implications include iron ore, titanium oxide, vanadium and rich fishing waters along the 400-mile long coast bordering the Canaries and which could yield up to about two millions tons of fish per annum.⁵⁴ The Western Saharan ports at Laayoune, Boudjour, and Dakhla has lately come to present more than 60 percent of Morocco's annual fisheries yield of almost one million tons. This presently accounts to up to 7 percent of Morocco's export earnings of R 65, 6 billion.⁵⁸

4.2. The geo-political and strategic importance of Western Sahara:

The geo-political and strategic importance of Western Sahara has nurtured the different manipulations that the Territories were subject to during and after the Cold War. In this section two key points will be used to demonstrate the importance of Western Sahara strategically and politically.

Firstly, the question of Western Sahara is vital component of the Moroccan Monarchy's national politics. It has been argued by some authors that the resolution of the Sahrawi conflict, if not in favour of Morocco would lead to the overthrowing of the Monarchy.⁵⁵ Indeed the question of Western Sahara was often manipulated by the Monarchy in order to ease national tension and repel attention from the Royal mistakes. As Leenders put it, Morocco used the question of Western Sahara "in a successful attempt to create unity and divert the attention of... [King Hassan II's] subjects from internal challenges to his regime, which especially in the 1970s has experienced serious political instability".⁵⁶

Zoubir points out that in 1971 and 1972 two coup attempts against the monarchy led to a serious political internal problem for King Hassan II. His legitimacy as monarch of the country was seriously challenged by a section of the military. To escape from the internal problem the monarch skilfully used the Western Saharan issue by making it a question of a nationalism and patriotism.

All the political parties in Morocco then rallied behind the king's claim and the political temperature was lowered against his kingdom.⁷⁶

Secondly, the status of Western Sahara as it will result from a referendum (or another tactic, including a military confrontation) will determine the balance of power in the region. Two scenarios can be put forward. The first is the integration of Western Sahara with Morocco. In the case of the concretisation of this scenario the Kingdom of Morocco will extend not only territorially but also demographically. The Moroccan territory will hence increase by 60% and will include a longer coastline along the Atlantic, which will boast the fishing industry- a major revenue source in the region.⁵⁷

Furthermore the economic benefit as noted above, although marginal can be a bonus as well. An additional phosphate source will be all but harmful to the Kingdom's economy. A Moroccan Western Sahara will also change the balance of power in the region, as Morocco becomes a challenger to Algeria. Morocco's take over of Western Sahara will also encourage "Moroccan irredentism".⁵⁸ Indeed Morocco will regain its confidence regarding its claims of the Tindouf area of Algeria.

The Moroccan claim to the Western Sahara forms a minute part of the much larger irredentist claims to areas once controlled by various dynasties,⁶³ in the Western Saharan territory and desert. This irredentism was conceptualised in the idea of *le Grand Maroc* ('Greater Morocco'), in its former historical boundaries,⁶⁴ an area ruled by the former *Almoravid* dynasty in the eleventh and twelfth centuries.⁶⁵

The greatest advocate of this grand idea of a 'Greater Morocco', was the leader of the ultra-nationalist *Istiqlal* (Independence) Party, Allal al-Fassi, that propagated independence for Morocco in the 1950s.⁶⁶ Shortly after independence in 1956 the *Istiqlal* Party's newspaper, *Al-Alam*, published a map on the 7th of July 1956 of the 'Greater Morocco', which disturbingly laid claim to a large portion of south-western Algeria, the whole of Western Sahara (formerly the Spanish Sahara), all of Mauritania, the northern part of Mali up to Timbuktu and even further south up to the Senegal river.⁶⁷

In April 1957 al-Fassi founded a weekly newspaper *Sahara al Magrib*, which propagated that Mauritania ought to be incorporated in Morocco.⁶⁸ The 'Greater Morocco' claim was endorsed in 1957 and was recognised by the government in statements made by the then Prime Minister, the Minister of Foreign Affairs, and by the then monarch King Mohammed V himself in a speech on the 25th February 1958.⁶⁹ Moroccan maps, whether published by private printers or the government continue to this day, 48 years after independence, to publish al-Fassi's original map,⁷⁰ which is indicative of the fact that the country has not yet come to grips with the present realities of the independence of its neighbours and the acceptance of the OAU's Charter clause that colonial boundaries at the time of independence will be valid.

In April 1957 Morocco endorsed al-Fassi's idea that Mauritania should be incorporated into Morocco. Two months later, on the 1st of July 1957, Mokhtar Ould Daddah, whom later became president of Mauritania upon independence in 1960, came with a counter-claim to the Western Sahara. Daddah wanted to prevent Western Sahara falling into the national territory of Morocco, because such a situation would have given the latter a 980 mile long border with Mauritania of which almost a half would have been within 30 miles of the geo-economic strategic iron-ore railway line from Zouerate to Nouadhibou. Mauritania during the mid-1960s was dependent on this railway line for 85 percent of its export earnings.⁷¹

Furthermore during the 1960s Morocco claimed, and continues to claim a large part of south-western Algeria, within the context of the 'Greater Morocco' concept. Hence in 1963 the claim led to a Moroccan-led three weeks desert war with Algeria, which was resolved only after an OAU mediation effort and the withdrawal of the military forces.⁷³ The kingdom's decision to withdraw from the occupied Algerian territory wasn't popular with the Moroccan public and for obvious reasons not with the military either.⁷⁴ Hence Algeria's and Mauritania's fears are justified.

The second scenario is the independence of Western Sahara from Morocco. This will have a major impact on the balance of power in the region, in favour of Algeria. The establishment of a pro-Algerian government in Western Sahara will further eclipse Morocco as an influential role player in the region. On the other hand many analysts provide an economic scenario that Algeria can benefit from in the case of the establishment of an independent Western Saharan government, this is the access to the Atlantic. Despite the legitimacy of this argument it should be noted that Algeria's access to the Atlantic will not specially contribute to the countries economy since most of external trade of the country is conducted with Europe. Hence the most important ports are those on the Mediterranean and not the Atlantic.

A discussion of the geo-strategic importance of Western Sahara should not discard the positions of international actors, more specifically referred to as "interested parties". A discussion of this nature often rotates around the role of Algeria and Mauritania in the conflict. The later is currently maintaining a low-profile due to pressures from the United States. Meantime Algeria continues to be vocal on the matter. The country has supported liberation movements around the world since its independence in 1962. Indeed it made of such a support a key principle of its foreign policy. It is within this spirit that the country continues to support, morally, the Polisario Front. Furthermore being a country directly affected by refugee flows into its territory, Algeria continues to monitor closely the developments in Western Sahara. Algeria's position towards the issue of Western Sahara is also led by its fears, as noted above. Indeed, the 1963

border war between the country and its Moroccan neighbour continues to feed such suspicions.

It would be unfair and incomplete to only focus on countries in the Maghreb region while addressing the geo-political dimension of the Sahrawi conflict. Non-Maghreb countries are of a crucial importance in this regard, especially France, Spain and the United States. The different visits undertaken by Spanish and French officials to Algeria and Morocco determine the countries' concerns of their interests in the region. Spain, like Algeria, is concerned that the integration of Western Sahara into Morocco will encourage Morocco to expand further, hence claiming the Spanish territories in North Africa as well as few islands. France on the other hand continues to consider Morocco as a key partner in North Africa. In a visit to Rabat late in 2001, Jack Chirac referred to Western Sahara as "the southern Province of Morocco".⁵⁹ The European country is also anxious about the possible developments in terms of the balance of power in the Maghreb if Western Sahara is to become an independent state. France's interests and influence in the Maghreb remains a priority on its foreign policy agenda.

The United States is equally protecting its interests in the region, especially that Morocco has recently been identified as a strategic partner in North Africa.

5. Peace initiatives and their failure:

The International Community has been engaged in the Sahrawi question since the 1970s. More specifically it is the United Nations and the Organisation for African Unity (OAU), which were the most committed to the resolution of the conflict.

5.1 The OAU's involvement:

The question of Western Sahara represented a real challenge to the Organisation for African Unity, and still challenges the African Union today. Several reasons underpin this statement. As Lehtinen (2002) writes "The dispute [in Western Sahara] has challenged the most fundamental concepts of international law, such as the Organisation of African Unity's (OAU) principle of inviolability of existing African borders, a right to people's self-determination and a right to sovereignty and territorial integrity".⁶⁰ These challenges have guided the regional body's involvement in the resolution of the conflict.

The Organization for African Unity (OAU) was shy in its involvement in the issue of Western Sahara until late 1970s. In 1978 a Wise Men's Committee (*Comité des Sages*) was established within the framework of the OAU in order to study the Western Sahara question. The Committee was composed of heads of states from Mali, Nigeria, Sudan, Tanzania and the Ivory Coast.⁶¹ The investigation culminated in a report submitted by the Committee to the OAU. The final report of the Committee made provisions for an impartial vote in the

Territories. The conclusions of the report led to the adoption of a resolution, which was passed in July 1979.

The Resolution stipulated that the ballot paper would include two options: independence or integration with Morocco. Furthermore the referendum will not only be jointly organized by the OAU and the UN, but will also work with both Morocco and the POLISARIO for the duration of the vote.⁶² An "Implementation Committee" was put in place in order to implement the Resolution calling on the holding of a referendum. The Committee maintained a high profile. Two documents were subsequently proposed. Both of them outlined in details the conditions and methods for conducting the referendum.⁶³

The Resolution of the OAU has generated discontentment within the Moroccan camp, whose King refused to attend the OAU summit in Liberia.⁶⁴ Following the release of the Wise Men's Committee's report, the then Minister of Foreign Affairs of Morocco, Mohammed Boucetta, stated that "The Sahara is and will remain Moroccan".⁶⁵ However Morocco accepted the idea of a referendum in mid-1981. This change in stance was led by the Moroccan belief that a referendum would rather confirm the Kingdom's theory that Western Sahara is Moroccan. Equally important is that Morocco refused to recognize the *Frente Popular para la Liberación de Rió de Oro y Sagui el Hamra* (POLISARIO) as an independent party to the conflict arguing that it is controlled by neighboring Algeria.⁶⁶ Morocco eventually withdrew from the OAU due to the organization's willingness to retain SADR as its member.

Strategic interests and political manoeuvring within the OAU has jeopardized a proper handling of the Western Saharan conflict. Hence the Organisation limited its involvement to simply providing moral support to the UN. The rejuvenation of the organisation and its metamorphosis into the African Union has not brought about any sound position concerning the question of Western Sahara, despite the fact that one of the core aims of the organisation is the promotion of peace and security on the African continent. The concerns of the Union to bring Morocco back on board have so far guided the relatively low profile of the continental body despite few communiqués reiterating its support for the Sahrawi case.

5.2. The United Nations' involvement:

The United Nations first proposed the referendum in Western Sahara when the Territories were still under Spanish rule. The international body has since then been monitoring the situation in the Territories, while passing a number of resolution calling on Spain, then Morocco to grant the Sahrawis their independence. Following the first resolution related to Western Sahara, which was passed on 16 December 1965, subsequent resolutions were passed to strengthen the United Nations' commitment to the self-determination of the Sahrawi people. In December 1966, the General Assembly of the UN passed

resolution 2229 stipulating detailed recommendations for the referendum. The resolution requested that Spain “permit(s) the return of all refugees, ensure that only indigenous Western Saharans could vote, and provide all the necessary facilities for a United Nations mission so that it may be able to participate actively in the organization and holding of the referendum”.⁶⁷

In December 1985 the General Assembly of the United Nations adopted resolution 40/50, which endorsed the OAU's approach in settling the Sahrawi conflict, including the idea of a referendum.⁶⁸ Indeed the recognition of the SADR as a *sovereign* nation-state⁶⁹ by the Organization of African Unity (OAU) in 1982, which laid the background for the UN's Settlement Plan for Western Sahara (SADR has already been recognized by 26 African countries by 1980)⁷⁰. During its 44th plenary meeting on 20 November 1990, the UN General Assembly passed resolution A/RES/45/21 where it reiterated its support for the OAU's efforts, and declared: “the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence.”⁷¹ The UN's position led to the withdrawal of Morocco from the fourth Decolonization Committee.⁷²

Following Resolution 40/50 the then United Nations' Secretary General, Javier Perez de Cuellar, started a series of visits in late 1985 and early 1986 with the aim of reconciling the parties. This attempt was partially successful since the visit culminated in “proximity talks”, during which the representatives of the Kingdom of Morocco as well as the POLISARIO separately presented their views to the Secretary General who later conveyed them to the opposite party.⁷³ However these indirect negotiations failed to bring the parties face-to-face.

The UN persevered in its efforts with regards to the Western Saharan conflict. On 31 October 1986 Resolution 41/16 was passed. The resolution requested the Secretary General to “follow the situation in Western Sahara closely with a view to the implementation of the present resolution [resolution 41/16]”.⁷⁴ As a result the UN and the OAU decided in 1987 to send a joint “technical mission” to all the states in the region in order to assist in preparing for a cease-fire and the referendum.⁷⁵

The joint venture between the UN and the OAU led to the acceptance of a “**Settlement Proposal**”/ Plan by Morocco and the POLISARIO on 30 August 1988.⁷⁶ This was followed by a cease-fire which would be monitored by the United Nations. As to the referendum, which was scheduled for early 1990s, it is still in the organization phase as a number of issues remain unresolved. The Settlement Plan was a failure for numerous reasons, notably disagreement on the voters' list.

Time passed and the UN persevered in its efforts in Western Sahara. In 1997 James Baker III, the former American Secretary of State, was appointed as

Koffi Annan's Special Envoy to Western Sahara. In 2001 he proposed his first plan to the parties, Baker Plan I. The plan was rejected by the POLISARIO and accepted by Morocco. As a revision to this failed Plan, Baker proposed his second plan in 2003. The plan was entitled the "**United Nations Peace Plan for Self-Determination of the People of Western Sahara**".⁷⁷ As stated in the official document "The purpose of the plan is to achieve a **political solution** [also known as the "**Third Way**"] to the conflict". The Plan like its predecessor re-emphasizes that the referendum will "determine the final status of Western Sahara". The referendum for self-determination should be held "no earlier than four months and no later than five years after the effective date of the plan".⁷⁸ The plan widely discussed the procedures and technical matters concerning the plebiscite. Furthermore it defined the map of the Territories, a crucial matter indeed to avoid future claims.

The major innovation of the Plan is the three ballot questions it proposes. The Plan suggests that the ballot papers should include three options: independence, autonomy and integration with the Kingdom of Morocco. A referendum question is adopted if it receives more than fifty percent (50%) of the votes. In the case that no questions obtains such a majority in the first round, a second round will be held where the two questions which obtained most votes will be presented to the voters.⁷⁹

The Plan makes provisions concerning a key issue in the organization of the referendum: the voters' list. The Plan proposes that illegible voters are those above the age of 18, who were: "a) identified as qualified to vote by the Identification Commission of the United Nations Mission for the Referendum in Western Sahara...b) [those] whose names appear on the repatriation list drawn up by the United Nations High Commissioner for Refugees (UNHCR) at the 31 October 2000, and c) [those] who resided continuously in Western Sahara since 30 December 1999".⁸⁰

Morocco has already expressed concerns about this provision of the Plan. In its response to the Secretary General's Special Envoy, Morocco maintained that since the voters' list "...was established on the basis of testimony by persons identified by MINURSO (provisional list of 1999) about members of their families...the list would not have the sufficient legal value to be used in determining the electorate".⁸¹ Morocco's major concern remains that refugees in the Tindouf refugee camps influence the voting outcome.

The Plan also makes recommendations on the transitional government. According to the plan the Transitional Government shall be constituted of the Western Sahara Authority (WSA) with regards to local matters and the Kingdom of Morocco with regards to external affairs of the Territories. Article 8 (a) of the proposed Peace Plan stipulates that the (...Western Sahara Authority shall be responsible for and have exclusive competence over local government, the territorial budget, taxation, economic development, internal security, law

enforcement, social welfare, cultural affairs, education, commerce, transportation, agriculture, mining, fisheries, industry, environment, housing and urban development, water and electricity, roads and other basic infrastructure".⁸² In other words all matters pertaining to local governance.

The external relations of Western Sahara will however be conducted by the Kingdom of Morocco "in consultation with the Western Sahara Authority".⁸³ Article 8 (b) of the proposed Peace Plan states that " Morocco shall be responsible for and have exclusive competence over foreign relations (including international agreements and conventions), national security and external defense...all matters relating to the production, sale ownership and use of weapons and explosives...and the preservation of territorial integrity against secessionist attempts, whether from within or outside the Territory, provided, however, that the right to preserve territorial integrity shall not authorize any action whatsoever that would prevent, suppress, or stifle peaceful public debate, discourse or campaign activity, particularly during any election or referendum period".⁸⁴ If accepted, this provision is problematic in essence and may lead to a conflict at a later stage.

The main inadequacy of the provision lays in the fact that it failed to define precisely what is meant by a "secessionist attempts". In other words does the POLISARIO qualify as a secessionist movement? The emphasis on this is of major importance. Morocco considers the POLISARIO Front as a **secessionist** movement, which is challenging the territorial integrity of Morocco.⁸⁵ Indeed this forms the core argument of the Kingdom as to why it does not want to grant independence to Western Sahara. This classification of the Polisario Front under the secessionist category may open the way to some abuses and limitations on the proper functioning of the Polisario Front in the name of Moroccan "state security" and "national integrity". As a matter of fact, in its response to the Special Envoy's Plan, Morocco proposes that the "exception for speeches declarations [as proposed by the plan] during election time... [will/ could mean] that Morocco could be confronted with propaganda campaign in favor of secession right...without being able to forbid activities susceptible to endanger **State security** (own emphasis) and the maintenance of order".⁸⁶ This is indeed a worrying statement, which can undermine the Plan in general. Furthermore, and related to this provision a major question arises: where to draw the line between the "territorial integrity of Western Sahara and that of Morocco? In this regard the Plan needs to be more specific.

Related to the provision on the Moroccan conduct of the external affairs of Western Sahara, it can be maintained that the proposal is in contradiction with the United Nations' Legal Council's opinion of 29 January 2002, which affirmed that the affairs of Western Sahara cannot be conducted by Morocco awaiting the outcome of the referendum. This decision was taken amid of the international community's concern that Morocco's involvement in the affairs of the Territories may generate exploitation.

Another remark can be drawn from the analysis of the Baker Plan II. There is no mention of any type of sanctions in case the parties fail to comply with the Plan once they signed it. As a matter of fact imposing any kind of sanctions will hardly concretize if the current geo-strategic situation, as mentioned above, is taken into consideration. Major Moroccan partners, which are mainly major powers, would refuse to do so. The same does not apply to the POLISARIO side, since most of its supporters are rather easy to pressure countries!

These are issues that continue to block the achievement of a peace settlement in Western Sahara. Thorny matters; such as where to draw a line between Moroccan national affairs and the question of Western Sahara, the voters' list, the definition of secessionism, etc; continue to be taken lightly by peace negotiators. What was mentioned above are but some issues that continuously lead to the collapse of the negotiations in the Sahrawi case.

6. The way forward?

The conflict in North West Africa continues to challenge the international community in general, and the United Nations and the African Union more specifically. The metamorphosis of the Organization for African Unity (OAU) to the African Union (AU), and from an African post-independence organization to an African post-post independence organization with a reduced focus on independence matters, may lead the organization to maintain a low profile with regards to the Sahrawi question.

Meantime the United Nations as a key role player in the resolution of the conflict has to take into consideration a number of weaknesses. First the choice of the Special Envoy should be more strategic. Some have maintained that the choice of Baker was in itself strategic since the Secretary General was aiming at putting pressure on the parties by selection a previous American secretary of state. The organization came to realize that the matter is more complicated than that. As a matter of fact establishing the legitimacy and impartiality of the Special Envoy is paramount. It is hope that De Soto, the new envoy, will succeed in this regard. Secondly, the approach taken by Baker in the negotiations phase should be revisited. He has often ignored the external influence, or maybe he was aware of it, and rather attempting to manipulate it! However we suggest that the negotiations should first be with the external actors, notably Algeria, France, Spain and the USA in order to guarantee their non-interference. Indeed their support to either of the parties has exacerbated the conflict. It is only then that the negotiations would turn back to Morocco and POLISARIO.

The historical account of the Sahrawi conflict proved that Western Sahara is rightly classified as Africa's last colony, where geo-politics plays a crucial role. The United Nations appears to be aware of this reality, and is hence correct in focusing on the achievement of a political solution. Nevertheless the definitional lacuna plaguing the Baker Plan II should be addressed in subsequent peace

proposals in order to avoid a situation where parties justify their actions using sections of peace plans. It is also important that both Morocco and Polisario overcome their mutual animosity, however difficult, in order to allow the holding of the referendum, which shall determine the will of the people of Western Sahara.

In conclusion it should be stressed that the conflict in Western Sahara should be resolved within the context of international law and the Charter of the United Nations. Its resolution, no matter what the outcome is, will not only represent a victory to the UN but will also allow stability and cooperation within the Maghreb region.

7. Notes and References:

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