

CRS Report for Congress

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Western Sahara: Status of Settlement Efforts

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Summary

Since the 1970s, Morocco and the independence-seeking Popular Front for the Liberation of Saqiat al Hamra and Rio de Oro (Polisario) have vied for control of the Western Sahara, a former Spanish territory. In 1991, the United Nations arranged a cease-fire and proposed a settlement plan that called for a referendum to allow the people of the Western Sahara to choose between independence and integration into Morocco. A long deadlock on determining the electorate for a referendum ensued. Since 2001, the U.N. has unsuccessfully suggested alternatives to the unfulfilled settlement plan, particularly one formulated by James Baker. Latterly, the U.N. has called on the parties to negotiate. An end to the impasse is not in sight, and it has affected Algerian-Moroccan bilateral relations and wider regional cooperation. The United States supports U.N. efforts and a solution that would not destabilize its ally, Morocco. Congress supports a referendum and is frustrated by delays. This report will be updated if developments warrant. See also CRS Report RS21579, *Morocco: Current Issues*, and CRS Report RS21532, *Algeria: Current Issues*.

History

The territory now known as the Western Sahara became a Spanish possession in 1881. In the mid-1970s, Spain prepared to decolonize the region, intending to transform it into a closely aligned independent state after a referendum on self-determination. Morocco and Mauritania opposed Spain's plan and each claimed the territory. Although their claims were based on historic empires, the Western Sahara's valuable phosphate resources and fishing grounds also may have motivated them.¹ At Morocco's initiative, the U.N. General Assembly referred the question to the International Court of Justice

¹ The possibility of oil and gas reserves (as yet unproven) off the Atlantic coast of the Western Sahara surfaced years later and has probably increased both sides' desire for the region. Both Morocco and the Polisario have signed contracts for exploration and exploitation of offshore energy resources. The Polisario's contracts take effect following a resolution of the status of the territory.

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(ICJ). But, on October 12, 1975, the ICJ ruled in favor of the self-determination of the Sahrawi people. In response, on November 6, 1975, King Hassan II of Morocco launched a “Green March” of 350,000 unarmed civilians to the Western Sahara to claim the territory. Spanish authorities halted the marchers, but, on November 16, Spain agreed to withdraw and transfer the region to joint Moroccan-Mauritanian administration.

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

U.N. Security Council Resolution 690 (April 29, 1991) established the United Nations Mission for the Organization of a Referendum in the Western Sahara (MINURSO). It called for a referendum to offer a choice between independence and integration into Morocco. However, for the next decade, Morocco and the Polisario differed over how to identify an electorate for the referendum, with each seeking to ensure a voter roll that would support its desired outcome. The Polisario maintained that only the 74,000 people counted in the 1974 Spanish census of the region should vote in the referendum, while Morocco argued that thousands more who had not been counted in 1974 or who had fled to Morocco previously should vote.

In March 1997, U.N. Secretary-General Kofi Annan named former U.S. Secretary of State James A. Baker III as his Personal Envoy to break the deadlock. In September 1997, Baker brokered an agreement in Houston to get the voter identification process restarted. The process was completed in 1999 with 86,000 voters identified. MINURSO then faced more than 130,000 appeals by those denied identification as voters who are supported by Morocco. In May 2000, the Security Council asked the parties to consider alternatives to a referendum.² The U.N. later concluded that processing appeals could take longer than the initial identification process. Further, it judged that effective implementation of the settlement plan would require the full cooperation of Morocco and the Polisario, and the support of Algeria and Mauritania. But, because Morocco and the Polisario would each cooperate only with implementation that would produce its desired outcome, full cooperation would be difficult or impossible to obtain. The U.N. also stated that it lacked a mechanism to enforce the results of a referendum if one were held.

² U.N. Security Council, *Report of the Secretary-General on the Situation Concerning Western Sahara*, May 22, 2000; S/Res/1301 (May 31, 2000). All U.N. documents accessible via [<http://www.un.org>].

The Baker Plan and Subsequent Developments³

The Secretary-General's June 20, 2001, Report on the Western Sahara proposed a framework agreement to confer on the population of the Western Sahara the right to elect executive and legislative bodies and to have competence over local government and many functional areas. The executive would be elected by voters identified as of December 1999, i.e., by an electorate favoring the Polisario and excluding Moroccan-supported appellants. Morocco would have exclusive competence over foreign relations, national security, and defense. A referendum on final status would be held within five years, with one-year residence in the Western Sahara then the sole criterion for voting. In other words, the electorate would favor Morocco by including its settlers as well as native Sahrawis.⁴ Annan hoped that Morocco, the Polisario, Algeria, and Mauritania would negotiate changes acceptable to all.

After Baker met representatives of Algeria, Mauritania, and the Polisario in August 2001, Annan concluded, "the parties have not been willing to fully cooperate ... either to implement the settlement plan or to try to negotiate a political solution." He proposed four options: 1) implementation of the settlement plan without the concurrence of both parties; 2) revision of the draft framework agreement also without concurrence; 3) discussion by the parties of a possible division of the territory and, if that fails, submission of a proposal for division to the Security Council that would be presented to the parties on a non-negotiable basis; or 4) termination of MINURSO.⁵ Annan, on his and Baker's behalf, doubted the parties' political will to resolve the conflict and cooperate with U.N. efforts. On February 27, 2002, Baker admitted that the Council did not favor ending MINURSO because it had kept the peace. The Council could not agree on any of the options, with Members specifically opposing a non-consensual solution. Morocco rejected partition as harmful to its territorial integrity and possibly leading to the creation of a micro-state under Algeria's protection.⁶ However, Algeria, too, rejected partition.

In January 2003, Baker presented a compromise that "does not require the consent of both parties at each and every stage of implementation."⁷ It would lead to a referendum in four to five years, in which voters would choose integration with Morocco, autonomy, or independence. Voters would be Sahrawis on the December 1999 provisional voter list, on the U.N. Office of the High Commissioner for Refugees repatriation list as of October 2000, or continuously resident in the Western Sahara since December 30, 1999 (therefore including Moroccan settlers). The U.N. would determine the voters, without appeal. In

³ For additional background on U.N. efforts from 1988-2004, see Anna Theofilopoulou, *The United Nations and Western Sahara: A Never-ending Affair*, U.S. Institute of Peace, Special Report 166, July 2006.

⁴ U.N. Security Council, *Reports of the Secretary-General on the Situation Concerning the Western Sahara*, S/2001/613, June 20, 2001, and S/2002/41, January 10, 2002.

⁵ *Ibid.*

⁶ "Morocco Rejects W. Sahara Partition," *Reuters*, February 20, 2002.

⁷ U.N. press release, June 2, 2003. The plan is in annex II of the U.N. Security Council, *Report of the Secretary-General on the situation concerning the Western Sahara*, S/2003/565, May 23, 2003.

the interim period, a Western Sahara Authority would be the local government, and Morocco would be responsible for foreign relations, national security, and defense.

Morocco objected, questioning the priority given to the referendum, the inadequate subordination of the interim authorities to those of Morocco, and the possibility of the “minority” Polisario achieving control at the expense of the “majority of residents of the Western Sahara.” Its officials asked why the U.N. was reviving the failed referendum option and were upset by the use of the word “independence” instead of the vaguer “self-determination” to describe an option.⁸ On April 9, 2004, Morocco declared that it would only accept autonomy as a final political solution.⁹ It called for negotiations only with Algeria, insisting that the Sahara is a bilateral geopolitical problem. Underlying these views is a rejection of any scenario that might challenge Morocco’s established physical possession of the territory. Algeria concluded that the Baker Plan was a “gamble” that should be taken, and the Polisario accepted it, too. Algeria rejects any framework for dealing with the Western Sahara other than the U.N. and declines to negotiate, insisting that it is not a party to the dispute and not a substitute for the Sahrawis. The Polisario categorically rejects autonomy and insists on the Sahrawis’ right to self-determination through a referendum.

James Baker resigned as the Secretary-General’s Personal Envoy in June 2004. Since Morocco rejected the Baker Plan, the Plan has not been mentioned in Security Council resolutions. In July 2005, Annan appointed Peter van Walsum as his new envoy. Van Walsum has indicated that he cannot draft a new plan because Morocco would only endorse one that excludes independence, while the U.N. could not endorse a plan that excludes a referendum with independence as an option. He deduced that the remaining options are deadlock or direct negotiations. Since the former is unacceptable, the U.N. is stepping back, saying that responsibility rests with the parties. Van Walsum also realistically reported that the Western Sahara is not high on the political agenda and that most capitals seek to continue good relations with both Morocco and Algeria. Hence, they acquiesce in the impasse.¹⁰ U.N. Security Council resolution 1675, April 28, 2006, noted the responsibility of the parties with respect to achieving a political solution.

Moroccan and Algerian Views

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

⁸ “Morocco Says ‘Nothing New’ in Algeria’s Statements on Western Sahara,” *Al-Jazeera TV*, July 17, 2003, transmitted by BBC Monitoring Middle East-Political.

⁹ U.N. Security Council, *Report of the Secretary-General on the Situation Concerning Western Sahara*, S/2004/325/Add.1, April 23, 2004, “Reply of the Kingdom of Morocco to Mr. Baker’s Proposal Entitled ‘Peace Plan for the Self-Determination of Western Sahara.’”

¹⁰ U.N. Security Council, *Report of the Secretary-General on the Situation Concerning the Western Sahara*, S/2006/249, April 19, 2006.

From the beginning, the Western Sahara issue has unified Moroccans and reinforced support for a monarchy that had survived two coup attempts. King Mohammed VI has strongly reasserted Morocco's claim to the region since he ascended to the throne in July 1999. Although the territory may be a short-term financial drain, its actual and potential resources may be a longer term economic boon. Furthermore, Moroccan authorities see the Western Sahara as a check on Algeria's regional ambitions being pursued via Polisario surrogates. On April 21, 2001, the King suggested decentralized administration of the Sahara from Rabat as the best option.¹¹ In March 2002, he visited the region and created the Agency of the Southern Provinces for development. In recent years, Morocco has markedly increased investment in the region to reinforce its claim to sovereignty. In November 2002, the King dismissed the idea of a referendum as out of date and declared that a political solution must respect Morocco's territorial integrity.¹² In a November 7, 2005, speech, King Mohammed VI of Morocco said that he would present a proposal for autonomy of the Western Sahara after consultations; those consultations continue.

Abdelaziz Bouteflika became President of Algeria in April 1999. An activist in the Algerian revolution, he sees the Western Sahara as one of the world's last decolonization campaigns. If the Polisario won control of the region, Algeria would benefit by gaining access to the Atlantic Ocean. Should the issue simply simmer, it still is a low-cost way to keep Morocco bogged down. Algeria has unwaveringly supported its protege's desire for self-determination. With strong ties in sub-Saharan Africa, Algiers is probably responsible for the African Union's interest in the Western Sahara and for the recognition of the SADR by various African states. Such recognition prompted Morocco to suspend its membership in the predecessor of the AU many years ago. Algeria seems to want to simultaneously continue to support the Polisario and to improve relations with Morocco, but Morocco is reluctant to let it have both.

Prospects

Morocco's response to the 2003 Baker Plan and subsequent official statements indicated a diminished willingness to compromise at the same time that Algeria and the Polisario then appeared more willing to compromise. The Polisario has since become less compromising in its insistence on self-determination. In other words, the current impasse is likely to continue for the foreseeable future.

The Polisario periodically warns of a return to armed struggle, but it remains unable to resume a military campaign without the aid and presumably the permission of Algeria, which are not expected. Algeria is focusing on its economy and international image after years of fighting domestic Islamist terrorists. It has nourished closer ties with the United States, France, and Spain that would be strained if it allowed a return to violence. Moreover, some of the Polisario's warnings may only be rhetoric to enable entrenched leaders to appease vocal, young militants. In addition, the Polisario is disadvantaged militarily. It has between 3,000 and 6,000 soldiers, although much of the civilian refugee population could be mobilized to support a guerrilla campaign. They would confront about 100,000 Moroccan troops stationed in the Western Sahara. With civilian support

¹¹ "Decentralization Fairest Option to Overcome Sahara Problem," Moroccan news agency *MAP*, April 21, 2001.

¹² "Moroccan King Buries W. Sahara Referendum Idea," *Reuters*, November 7, 2002.

services, the Moroccan presence in the region may total 300,000. The Moroccan army has a total strength of 180,000, with 150,000 more in reserves. The Polisario has instigated popular demonstrations for independence in the Western Sahara, but it has not resorted to terrorism that would cost it sympathy abroad. It denies all Moroccan allegations that it has links to Al Qaeda.

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

As long as the Western Sahara issue is unresolved, relations between Morocco and Algeria are unlikely to be fully normalized. Algeria has repeatedly indicated that it is willing to develop bilateral relations without a resolution to the conflict, but Morocco has insisted that the Western Sahara is too important an issue to set aside, noting that Algeria shelters and hosts people who carry weapons against Morocco. Due to the Western Sahara dispute, the Arab Maghreb Union, of which both are members, has not held a summit since 1994.¹³

United States Policy

The United States supported the U.N. settlement plan and the Baker Plan. It has not recognized the SADR nor Morocco's sovereignty over the Western Sahara. Yet, President Bush has expressed understanding of "the Moroccan people's sensitivity over the Sahara issue" and said that the United States did not seek to impose a solution.¹⁴ U.S. support for the U.N. peace effort is given in the context of valued U.S.-Moroccan relations. U.S. officials view Morocco as a moderate Arab ally, welcome supporter of the global war against terrorism, constructive player in the Israeli-Palestinian peace process, and leader in Arab efforts to reform and democratize. They would prefer a solution to the Western Sahara dispute that would not destabilize Mohammed VI's rule. Officials also believe that a settlement would enhance regional stability and economic prosperity. For FY2005, the United States contributed almost \$11 million for MINURSO; the estimate for FY2006 is \$11,749,000.

Congress has tended to support a referendum. In the 109th Congress, S.Rept. 109-96, June 30, 2005, to accompany H.R. 3057, the Foreign Operations Appropriations Act, 2006, requested the Secretary of State to report on steps being taken to ensure that a referendum will be held and to recommend additional steps that could be taken. The language was not included in P.L. 109-102, passed on November 14, 2005.

¹³ The Arab Maghreb Union, including Algeria, Morocco, Tunisia, Libya, and Mauritania, was founded in 1989 to promote regional cooperation.

¹⁴ Message by President Bush to King Mohammed VI, MAP, BBC Monitoring Middle East, December 3, 2003.