

The Deadlock Situation in the Western Sahara

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In the period from June 2003 to December 2004, the Western Sahara issue remained in a situation of stalemate, which it entered when the United Nations Security Council passed Resolution 1485 on 30th May 2003. This meant the acceptance of the so-called Baker Plan II, included in the report of the Secretary-General of 23rd May (S/2003/565). Morocco's rejection of the new plan and its acceptance by the Polisario Front and Algeria, again muddled relations in the Maghreb region and gave rise to a series of diplomatic initiatives, in particular those by the new Spanish government, intended to make progress in this 30-year-old conflict. James Baker's resignation was met with certain reticence by the Polisario Front and Algeria, who saw in this resignation the strengthening of the Moroccan position and a reduction in the importance of Western Sahara within the United Nations. There can be no doubt that the conflict also affects the relationship between the EU and the countries of the Maghreb and that cooperation with the region, while necessary, is not enough to resolve the issue. Oil prospecting initiated by Morocco (and to a lesser extent by the Sahrawi Arab Democratic Republic, or SADR) in the former Spanish colony has further rarefied the atmosphere.

The Baker Plan II proposes the establishment of an autonomous region in which internal matters (local government, regional budget, internal security, economic development, education, culture,

etc.) would be handled by a Western Sahara Authority (WSA), while Morocco would retain full responsibility in matters of foreign relations, national security and external defence (including border controls), manufacturing, the buying and selling of arms and maintaining geographical integrity. It also stipulates that the flag, currency, postal and customs services would be the same as those of Morocco. The WSA would be chosen at the same time as the Legislative Assembly by the individuals included on the list of voters established by the United Nations Mission for the Western Sahara Referendum MINURSO— on 30th December 1999 and on the repatriation list produced by the UNHCR on 31st October 2000. After this period of autonomy, of no less than four and no more than five years, a referendum would be held on the definitive status of Western Sahara. In addition to the voters mentioned above, the referendum would also be open to all individuals aged over 18 and resident in the territory continuously since 30th December 1999.

On 31st July 2003, Morocco rejected the Baker Plan II, days after accepting it together with the Polisario Front and the support of Algeria. The Security Council extended MINURSO's mandate until 31st October to see if it might be possible to reach an agreement between the parties involved in the conflict. On 5th August, the Secretary-General of the United Nations appointed a new special representative for Western Sahara, Álvaro de Soto, who, one year later (11th June 2004), replaced James Baker when the latter resigned as the personal envoy of Kofi Annan. Mohammed VI wasted no time in stating Morocco's position that "the preservation of our territorial integrity remains for us an overriding duty,"

while accusing Algeria of being the "true adversary" and of using the Polisario Front to take hold of Morocco's southern provinces. He added that Morocco "remains open to constructive, honest dialogue in order to resolve the problem, within the framework of the preservation of our territorial integrity and national sovereignty, which will never, I repeat never, be open to negotiation." The position was quite clear: Morocco would not accept any referendum on Western Sahara and so rejected the Baker Plan II. Algeria, of course, did not agree with the accusations levelled from Rabat and reiterated that the only legitimate representative of the Sahrawi people was the Polisario Front. This body finally held its 11th Congress between 12th and 19th October 2003, at which the re-elected Mohamed Abdelaziz confirmed the Front's position: complete cooperation with the Baker Plan II, provided that the connection was maintained with the Settlement Plan approved by the parties with the support of the international community in 1991. For Abdelaziz, the Baker Plan II "does not represent a definitive solution to the conflict, but could be the basis for a new process." The closing statement of the Congress urged the international community to bring Morocco back onto "the path of international legality" and to apply "with urgency" the plan drafted by Baker. One year later, on 15th September 2004, the SADR achieved a huge diplomatic coup when it was recognised by the Republic of South Africa.

The stalemate led to MINURSO's mandate being extended to see if it might be possible to reach an agreement between the parties. In this way, Resolution 1495, passed by the Security Council on 31st July 2003, supported the Secretary-

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On 28th October 2004, the Security Council of the UN adopted Resolution 1570, extending for six months the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO), until 30th April 2005, when the UN Security Council (SC) will again consider the matter. The Secretary-General of the UN will first have to present a report on the situation.

On 15th June 2004, James Baker, the Secretary General's Personal Envoy for Western Sahara, resigned. At the time, Kofi Annan reconfirmed the Peruvian Special Representative, Álvaro de Soto, in this position, with a mandate to add political mediation duties to those of technical management, which he had already been exercising as the head of MINURSO. The reaction of those involved was unexpected. Morocco expressed its satisfaction at the withdrawal of the author of the *Baker Plan* and indicated its willingness to work with De Soto. The Polisario Front received the news with little enthusiasm.

In his first tour of the region, De Soto was not received by President Buteftlika of Algeria.

Despite the intense diplomatic activity among the parties and concerned countries, the process to resolve the conflict has not been reactivated. High-level political relations between Algeria and Morocco remain stalled. Disagreement reached its peak during the vote, after over a decade of consensus texts, on the annual resolution on the Sahara at the 4th Commission (18th October 2004) and during the session of the General Assembly of the UN (10th December 2004).

Within this context, the new Spanish Government, formed following the election on 14th May 2004, has reiterated that the resolution of the dispute over Western Sahara, which has gone on for thirty years now, is a priority in terms of its foreign policy and has let the parties and countries involved know this. The government has been constantly active with regard to the parties and countries involved, a sign of its clear

intention to employ active and committed diplomacy to work towards the solution of this conflict, which serves as an enormous obstacle for the process of political and economic development so important in the Maghreb region and which is blocking stability, development and prosperity in this regional neighbour of Spain. In this sense, Spain supports the continuation of the efforts of the Secretary General and the Security Council. The aim of the Spanish Government, as a privileged interlocutor, with solid cooperative relations with all those involved in the Saharan situation, is to promote a definitive, just solution, freely agreed between the parties (Morocco and the Sahrawi people), within the framework of the UN and international legality.

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General's efforts and the peace plan (Baker Plan II) "for the self-determination of the people of Western Sahara, which represents an optimum political solution." It recalled that the conflict was not simply a cause of suffering for the people of the territory, but was also an obstacle for the development of the Maghreb region as a whole and called on the parties to accept and apply the plan, while extending MINURSO's mandate until 31st October. Resolution 1513, of 28th October 2003, again extended the mandate until 31st January 2004. Meanwhile, Morocco accused Kofi Annan of not being impartial and Washington confirmed its support for the Baker Plan II. Resolution 1523, of 30th January 2004 again extended the mandate until 30th April 2004. On 29th April 2004, the Security Council of United Nations decided to extend the mandate until 31st October 2004. In resolution 1541, the Council "reaffirms its support for the Peace Plan for Self-Determination of the People of Western Sahara as an optimum political solution on the basis of agreement between the two parties; reaffirms also its strong support for the efforts

of the Secretary-General and his Personal Envoy in order to achieve a mutually acceptable political solution to the dispute over Western Sahara [and] calls upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy." Finally, the report of the Secretary-General (S/2004/287) of 20th October 2004 stated that Morocco had not altered its position rejecting the Baker Plan II and the Security Council resolution (S/RES/1570) of 28th October 2004 extended MINURSO's mandate until 30th April 2005.¹

Throughout the period examined here, France has always supported the Moroccan position, President Chirac himself stating that "we favour a realistic and lasting political solution, through agreement between the parties and with full consideration for the interests of Morocco and regional stability. The Security Council cannot impose a solution." The United States wavers between formal respect for the legality of the United Nations and in particular the plan put forward by George Bush Senior's former Secretary of State and an attempt to strengthen

bilateral relations with Morocco: on 2nd March 2004, the United States and Morocco signed a free trade agreement, which did not include Western Sahara, involving preferential treatment up until then enjoyed by only one other Muslim country (Jordan).

However, the greatest change has without doubt been seen in the Spanish position. The new Zapatero government, without rejecting the legality of the United Nations and the possible application of the Baker Plan II, has attempted to promote a political accord between the parties to free the conflict from its current state of stalemate. This position, which gives less weight to the need for a referendum on self-determination, aroused the suspicions of the Polisario Front, which demanded the relevant clarification. This was delivered by the Minister for Foreign Affairs, who stated during his visit to Algeria in May 2004 that "Algeria and Spain have always been the countries that have defended the right to self-determination of the Saharawi people." Spain, insisted Miguel Ángel Moratinos, "supports in its entirety United Nations Security Council Resolution 1541 and

¹ Since 1991, it has cost over 600 million dollars to maintain MINURSO.

all aspects of the Baker Plan and hopes that a political agreement can be reached between the two parties." He likewise added in an interview with *Jeune Afrique/L'Intelligent*: that "the time has come to bring about a definitive resolution [of the conflict]. This has gone on for too long. It is now time to offer the Saharawis a *new situation*. For me, refugee camps, whether in Palestine or in Tindouf, should prick the conscience of all our society. We find ourselves within a new context. The United Nations is present and that we must not forget. The Baker Plan is our *point of reference*. The right of the Saharawi people to self-determination must continue to be a *base element*. But *bilateral* efforts must also be promoted." And again, in an interview given to the Spanish newspaper *ABC*, he indicated that Western Sahara was one of the key factors defining the relationship with Morocco and the whole Maghreb region. Madrid's aim was to reconcile the United Nations plan with a political accord agreed jointly by the parties. A little later, in an interview with *El Mundo*, Moratinos added that: "at this time, a referendum without a political solution could lead us into a general crisis situation in North Africa." The Polisario Front showed its suspicion of the new Spanish position and Secretary of State Bernardino León had to provide a different spin, stating that the framework for resolving the conflict in Western Sahara continued to be the United Nations and that the government in Madrid did not support a "bilateralisation" of the conflict. José Luis Rodríguez Zapatero repeated this line in a statement in July 2004: "The solution to this issue must be found within the United Nations, through a plan-agreement or *agreed plan* between all those involved, in order to satisfy the rights of all parties (...) [However, no plan] will be

effective if it does not have the support of all parties. [For this reason,] the Spanish Government will work in this direction and will spare no effort in attempting to reach a just and definitive solution which will allow the Saharawi people to see the light at the end of the tunnel." Referring to the Baker Plan II, he added that "there is no need to be bound by a plan or to push it to one side." In an attempt to overcome the mistrust of the Polisario Front, Bernardino León paid two visits to the refugee camps in Tindouf in June and September 2004, while Secretary of State for International Cooperation, Leire Pajin, paid a further visit in October 2004. In July, Spain had announced that it was granting 3.1 million euros in humanitarian aid to the camps, 44% more than in 2003. Finally, in November 2004, the Spanish Prime Minister, José Luis Rodríguez Zapatero, received the President of the SADR, Mohammed Abdelaziz, in Madrid. Meanwhile, away from the diplomatic ebb and flow, other factors in the Saharan issue in recent years have been those of oil prospecting; of the food crisis suffered in the Tindouf refugee camps in the first half of 2004; of the release of Moroccan prisoners held in Tindouf; of the amnesty granted to Saharawi prisoners serving sentences in Moroccan jails; of action by civil organisations to discover the fate of the Sahrawi disappeared in Morocco; of the infringement of human rights and repression of Polisario Front militants and sympathisers within the territory controlled by Morocco (the El Aaiun prison has become sadly notorious); of the issuing of the first permits to Saharawis in the Tindouf camps to visit their family members in Western Sahara (and vice versa); of the resumption of arms sales to Morocco by Spain; and of the increased tension between

Algeria and Morocco provoked by the alleged attempt to convene a meeting about Western Sahara involving Morocco, Algeria, France and Spain (May 2004).

Over the last few years, Morocco has signed various contracts, considered illegal by the United Nations, with oil companies to carry out prospecting work in Western Sahara. International pressure has caused some of these companies not to renew their contracts, in June 2003, the Norwegian company TGS NOPEC pulled out of the consortium exploiting oil reserves in Western Sahara; in October 2003, Morocco extended oil prospecting operations with the American company Kerr McGee for one year; in May 2004, the Anglo-American company Wessex Exploration Ltd began a study into the oil prospects of the El Aaiun continental shelf; in November 2004, Total failed to renew its contract signed with Morocco in 2001. At the end of 2004, only Kerr McGee was still operating in Western Sahara. Meanwhile, in October-November 2003, the Anglo-Australian company Fusion Oil & Gas (in cooperation with the British company Premier) presented the results of its studies commissioned by the leaders of the SADR into the possible existence of oil reserves in Western Sahara.

Finally, this period has seen the death of two of the key figures of the final years of Spain's colonial occupation, who no doubt profoundly regretted the handing over of the former colony to Morocco: in December 2003, Jaime de Piniés, former Spanish ambassador to the UN for 30 years; and one year later, Colonel Luis Rodríguez de Viguri, the last Secretary General of the government of Spanish Sahara.