

Resolving Regional Conflicts: The Western Sahara and the Quest for a Durable Solution

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Bernabe Lopez-Garcia

Professor of Contemporary History of Islam, Autónoma University of Madrid

We are looking at a conflict that has lasted 38 years and for which we see no way to resolve it. The Polisario Front, since it was established in 1973, has been demanding the independence of the Western Sahara. It is asking for a referendum for self-determination, which did not take place in 1975, under the colonizing power, nor under the UN since 1991 when a peace plan was signed among the parties.

Morocco controls the northern part of the territory since 1975, and the southern part since Mauritania withdrew in 1979. It is firm in its idea that this is land that historically belongs to Morocco, and during this whole time, it has sought to delay matters in order to prevent the modification of the annexation, and prolong its presence and control over the territory. The Polisario Front is comforted by the fact that international legitimacy tends to favor it, recognizing that there is a decolonization process that did not conclude. Morocco is ambiguous in its position. It accepts the idea of negotiating with the Polisario to find a solution, which indicates that they realize it is a problem that has not been resolved. However, officially, and before the public, its discourse demonizes their adversaries and never questions the Moroccan nature of the territory.

Morocco did a partial reading of the decision by the International Court of Justice in The Hague in 1975, and launched the Green March; of which today is the 38th anniversary. In Hassan II's speeches, and in the messages that he had to mobilize his people, which are still repeated today, this decision by the ICJ was seen as a success for Morocco. The Court recognized links between the Moroccan claims and certain Sahrawi tribes. However, they still omit the other part of the decision, where the Court said that those links were not indicative of legal links, in terms of territorial sovereignty, over the Western Sahara by Morocco. And therefore it is still necessary to apply the principle of self-determination. This discourse has dominated in Morocco's foreign policy for 38 years and the defense of what it considers to be its territorial integrity has conditioned its foreign relations.

After years of war, of peace treaties being signed, of processes for the identification of the population that was to vote to decide about the future of the territory,... thousands of non-native people being transferred into the territory, after rounds of negotiations sponsored by the UN..., the situation is still at an impasse, unresolved, while there are between 40 and 150,000 people as refugees living outside of the territory for 4 decades in precarious conditions.

Since the end of 2000, the UN Security Council, reports by the Secretary General, and others have insisted that no solution would be found to the problem unless the Moroccan government would be willing to offer the support or restitution of some government functions to

the inhabitants and former inhabitants of the region. This support should be genuine, substantial, and abide by international law.

Morocco took until April 2007 to offer an autonomy plan in this direction. In the six years that have gone by since that plan was introduced, it has not been implemented, because no effective provision has been adopted to allow for the participation of the original population of the territory in political life. There are frequent violations of human rights, especially towards those inhabitants who are native to the Sahara, if they express any ideas against the official position of Morocco. The Polisario Front has reported Morocco's violations in international forums, and is asking the UN to exercise its oversight for human rights in the territory. Morocco believes this is interference in its territory on internal matters.

The autonomy plan that was made public by the Security Council in 2007 proposed some novel aspects such as the idea that Sahara populations would manage their own matters democratically through their own legislative, executive, and judicial branches of government. It referred to the election of a president through a parliamentary assembly, with broad economic, social, and cultural powers. It promised general amnesty excluding any kind of persecution or intimidation of those who supported the other party. It also proposed negotiating on autonomy, establishing limits such as sovereignty and monarchic institutions, which would be constitutionalized as a guarantee for the population.

There was a process that took place during the first months of the Arab Spring; an opportunity was lost to open up a national debate on this matter, which is key for the future of the country. However, this has become a taboo for the country. The new constitution of July 1 2011, took one modest step forward, recognizing the Sahraw-Hassani identity component as an integral part of the Moroccan cultural identity. It proposed preserving that language as a part of Morocco's linguistic inheritance. The constitution continues to define the political system as an executive monarchy, and rejects demands for a parliamentary monarchy.

Morocco's civil society, political parties, and executive order have not mentioned the Western Sahara in the 100 days since the constitutional debate. This would have been the opportunity to offer guarantee to the other side in the conflict, that there would be an effective decentralization of the country, which would limit the powers of the governors and providing a new territorial structure that would allow for the possibility of establishing a genuine and authentic autonomy for a region such as the Sahara. What's more, the specific ban on forming regional political parties has made it impossible to democratically channel the political currents that are seeking to solve the problem, including the option of independence. These currents now have no way to express themselves politically. The recent visit of Christopher Ross to the Western Sahara shows this.

We understand the mistrust of the Polisario Front – they see no guarantee that this possibility for autonomy, promised in 2007, will ever become a reality. For 38 years, the inhabitants of the Western Sahara have not been recognized as the first citizens of their own land, able to have their destiny in their own hands, and living in harmony with their Moroccan brothers and sisters.

However, I think there is a problem in the Sahara of living together. More than 100,000 Moroccans were transferred into the region in the 1990s to manipulate the census, when the

Sahrawis were going to vote in the self-determination referendum. These are now twice as many as the native population. They live in very difficult conditions even though they receive monthly allowances from the state. Among the young people, this has truly had an uprooting effect, and they have had violent encounters with the native population which have caused victims. And there has also been infighting among different factions of the political, economical and military powers in the area. This was made obvious in the dramatic episode in the Gdym Izik camp in November 2010.

Among the obstacles today that are making it difficult to solve this problem, one of them is misinformation about the nature of the problem. The Moroccan population has been convinced of a partial and erroneous version of the problem. The official version would truly be difficult to defend. Anyone who expresses a different opinion is seen as someone who is betraying the country. This marginalizes and criminalizes minority sectors that are openly trying to defend independence. They are being repressed, and this is being reported through NGOs and various human rights organizations.

The Moroccan population believes that the Sahrawis have privileges, for example, they are exempt from paying taxes, which causes ill-will between the two populations. This is exacerbated by campaigns and attempts to persecute those who express their disagreement with the current situation in the Western Sahara. There have been modest steps taken to try to modify the status quo – there has been a new Council for Human Rights which was set up, although this has not been very active. I wrote to the president of the council of Human Rights in Morocco asking him to provide information on the results achieved by the institution in the regions of El Aaiún and Dahla, but I have received no response.

This Council provided a recommendation to the King to eliminate military justice against civilians, after 24 Sahrawi independence militants were unjustly sentenced. However, the very fact that they were sentenced reveals that the policy of keeping the Sahara in these conditions continues. Many delegations from Parliament, and Spanish journalists, have been refused entry at the El Aaiún airport. Recently, however, the authorization for Spanish Parliament members to visit the territory and have interviews with activist organizations seems to relax the rigidity of the situation. Another positive element has been a joint visit of delegations of the youth of Polisario Front and the Socialist Union of Popular Forces to the Western Sahara and the camps. However, recent words by the King do not offer much hope. He said that the situation is difficult and so far nothing has been decided.

Another question is whether the Polisario Front is truly an independent actor. Does the fact that its base is in Algerian territory have any effect? Morocco has insisted on the dependence of this movement on Algeria – saying that it has no personality of its own, that it is simply doing what Algeria wants. In some senses, that is true. We have seen that in the case of responses to certain plans offered by James Baker; they seem to echo certain Algerian voices. In the discussions with Morocco, it is its own voice that is heard. They need to reach an agreement with them.

The Moroccan Ambassador in Algeria has been recently recalled, after Algerian President Buteflika's call for solidarity at the African Conference. This shows once again how the real "other" party in the conflict, the Sahrawis, is hidden behind the Algerian neighbors. So Morocco has played with time, believing time was its greatest ally, they let years and years go

by, but this makes it more difficult. For some reason, they believed this was a good strategy. However the time that has elapsed has caused new problems to appear, which adds a different dimension to the issue – a security problem. This means that we need to find a solution to prevent the Sahara from sinking into the insecurity that the Sahel region is going into.

We need a climate of confidence. But how do we create this climate of confidence with two parties that reject each other? It's a very complex problem, and its solution is not simply a "yes" or a "no" by the population. We need to bear in mind history, especially the suffering of both peoples – the Sahrawis and the Moroccans. There was a meeting in Rabat in 1996 with the Polisario Front, which was chaired with King Mohammed VI who was Crown Prince at the time. Both sides recognized the suffering of the other, but without a change of discourse, it was difficult to address the reasons of the enemy and recognize their own errors. Only self-critique will allow them to find understanding.

Years ago, a high-level Moroccan official was telling me that no solution would be found unless Morocco publicly acknowledged the Napalm bombardment on the civilian Sahrawi population since the annexation of the Western Sahara. The same could be said about the Polisario Front, as it has had strict ideological control over the population under it. I think it would be unavoidable to have a referendum where the Sahrawis can freely express their will. This is recognized even in the Moroccan initiative for negotiation on an autonomy statute of 2007. The autonomy statute, as a result of negotiations, will be subjected to a referendum by the populations concerned in accordance with the principle of self-determination and the provisions of the UN charter.

Could we conclude with all these political negotiations that there will be a statute for a democratic Sahara, perhaps linked to Morocco? In international law we have federalism, associated state... In 1996 the Polisario Front even talked about independence within interdependence. This necessary referendum could, if it achieves the political agreement, support a "*a statute negotiated by both parties, without the risk of winning or losing all*" as Algerian President Abdelaziz Bouteflika indicated in its letter to the former political prisoner Abraham Serfaty on January 8, 2000, in which he refers to a Sahara "*linked to Morocco by means of a negotiated solution within the frame of international law*", thus putting an end to a conflict without winners or losers.

The solution of the problem means that there needs to be a return of the refugees. These are difficult conditions for Morocco to resolve, which internationally would have had the right to conserve its territory, as well as for the other side, which would have achieved international recognition. Where can we find the funds for such a huge program with humanitarian aid, which is now running low as a consequence of the global economic crisis? Morocco would need to talk about repatriation of tens of thousands of people, provide basic guarantees for the construction of a democratic Sahara in a hypothetical Moroccan Federation.

The Polisario, for the time being, does not seem to be willing to play this game. I think it would need guarantees that so far, Morocco has not yet offered. These would need to show that there is real democratization in the country, which is not being shown in reality. They would need to take steps to end the suffering of so many refugees, with no tangible future, and the reunions of families that have been separated for decades. Morocco needs to stop demonizing these people. The Polisario Front needs to take decisive steps forward – not only for

reconciliation, but it also needs to contribute to the construction of a Maghreb region that puts an end to the rivalries that have characterized the recent history of the region since the unfortunate war of 1963.