

4.5 Mission Notes

Western Sahara

Western Sahara saw the worst violence in two decades as clashes between Moroccan security forces and Sahrawi protesters erupted in Gdeim Izik camp outside the territory's capital city Laayoune on 8 November 2010. Two months later, popular upheavals of the Arab Spring began sweeping across North Africa and the Middle East, which toppled governments and spurred political reforms – including liberalization reforms in the Kingdom of Morocco. Nevertheless, the talks between the Frente Popular de Liberación de Saguía el Hamra y Río de Oro (POLISARIO) and Morocco were relatively unaffected by these events insofar as they continued at regular intervals and remained deadlocked. While both Morocco and POLISARIO continued to gather for UN-backed informal talks facilitated by the Personal Envoy of the Secretary-General, Christopher Ross, the meetings brought the parties no closer to a lasting solution on the final status of the territory. Morocco continues to maintain that it will not discuss any proposal that could pave the way for the territory's independence, while POLISARIO remains firm that there must be a prospect for a three-option referendum including independence.

BACKGROUND

Since Morocco claimed Western Sahara in 1975, following Spanish withdrawal from the territory, POLISARIO has asserted that the region's inhabitants have a right to self-determination and territorial independence. This position has been rejected



A view of the "27 February" Sahrawi refugee camp near Tindouf, Algeria, 23 June 2010.

Martine Perret/UN

by Morocco. Because of the territory's unresolved status it is infamously known as Africa's last outstanding colonial conflict.

In April 1991 the Security Council created the UN Mission for the Referendum in Western Sahara (MINURSO) to implement the settlement proposals, accepted by Morocco and POLISARIO in August 1988, which called for the people of the Western Sahara to choose between integration with, or independence from, Morocco through a referendum on self-determination. Six years later, the vote (initially envisioned for 1992) was no closer to reality due to obstruction and delays by both sides regarding voter eligibility.

Sensing that a high-level envoy, working outside the region, could push the parties toward a political solution, Secretary-General Kofi Annan created the post of Personal Envoy for Western Sahara in 1997 and appointed former US Secretary of State

Personal Envoy, Western Sahara

Authorization and Start Date	19 March 1997 (UNSC Pres. Statement S/PRST/1997/16)
Personal Envoy	Christopher Ross (US)
First Personal Envoy	James A. Baker, III (US)
Budget	\$0.6 million (1 January 2011-31 December 2011)
Strength as of 20 September 2010	International Civilian: 1

For detailed mission information see p. 177

AU Liaison Office in Western Sahara

First Mandate	August 1994
Head of Office	Ambassador Yilma Tadesse (Ethiopian)
Budget	\$0.1 million (Head of Office) (1 January 2011-31 December 2011)
Staff Strength	4

For detailed mission information see p. 317

Special Adviser, Cyprus

Authorization Date	21 April 1997 (UNSC Letter S/1997/320)
Start Date	28 April 1997
SASG	Alexander Downer (Australia)
Deputy SASG	Lisa M. Buitenheim (US)
First SASG	Diego Cordovez (Ecuador)
Budget	\$3.5 million (1 January 2011-31 December 2011)
Strength as of 30 April 2011	International Civilian: 15 National Civilian: 3

For detailed mission information see p. 180

James Baker to the position. In April 2001, Baker secured Morocco's acceptance of a draft Framework Agreement on Western Sahara, which provided for a five-year period of autonomy followed by a referendum on the status of the territory. POLISARIO, and its regional backer Algeria, rejected the draft Framework Agreement however, as it was perceived as conceding to Morocco's demands while providing too little to their own claims.

Baker went forward with the basis of the draft Framework Agreement, and presented it in a more

detailed form as the Peace Plan for Self-Determination of the People of Western Sahara in 2003, with strong support from the Security Council. Algeria and POLISARIO accepted the agreement, but Morocco rejected it, saying that it could not accept any plan that might lead to independence for Western Sahara. Baker resigned shortly thereafter in 2004.

After a two-year gap, the Secretary-General appointed Peter van Walsum to the post in 2006. Despite four rounds of talks in Manhasset, New York during 2007 and 2008, the new envoy made no progress in bridging the divide between Morocco's autonomy plan and POLISARIO's position that a referendum on independence must be an option. Under pressure from POLISARIO and Algeria, Van Walsum's contract was not renewed in 2008 after he suggested in a closed briefing to the Security Council that POLISARIO's aim for independence was unrealistic.

Christopher Ross was appointed as Personal Envoy in 2009. Ross spent the first half of the year consulting with the parties, including representatives of Algeria and Mauritania, which have observer status at the talks, through regional visits in February and June aimed at kick-starting the fifth round of the negotiations begun under his predecessor. During informal talks in Austria on 9 and 10 August, human rights issues were discussed for the first time – a contentious issue for the parties and their respective backers, and notable in the absence of either a UN human rights monitoring mechanism to address the parties' allegations or a human rights mandate for MINURSO.

After Morocco indicated that it would be willing to discuss POLISARIO's April 2007 proposal (which included an option for a referendum on independence), Ross planned meetings for late 2009. However, increased tension due to Moroccan military activities, including actions against Saharan activists, and an inflammatory speech by King Mohammed VI, derailed the informal talks until 10-11 February 2010. The meeting's focus on the 2007 proposal was affected by heated discussions on human rights issues and ended with both sides unwilling to accept the other's proposal as the sole basis for future negotiations. Nevertheless, Ross visited the region again in March and met in the capitals of the Group of Friends of the Western Sahara, created by the United States in 1993, during the summer of 2010.¹

The African Union Liaison Office in Western Sahara

The AU established its Liaison Office in Western Sahara in August 1994, to assist in the registration process leading up to the referendum.¹ Today the office, which is based in Laayoune and currently led by Ethiopian Senior Representative Yilma Tadesse, holds weekly meetings with leading members of MINURSO, consults with Morocco and POLISARIO, and provides humanitarian assistance for Sahrawi refugees in the camps in the Tindouf region of Algeria. The AU has long defended the notion for Sahrawi independence and fully recognizes the Sahrawi Arab Democratic Republic – a stance that somewhat limits its role as a mediator in the conflict.

The Organization of African Unity formally admitted the Western Saharan government on 22 February 1982, quickly prompting Rabat's departure. Today, Morocco remains the only African state outside of the AU, which succeeded the OAU in 2002. The principle of decolonization remains a foundation of the African Union, and some of its larger members have been strong proponents of a referendum to eliminate Africa's "Last Colony," as Western Sahara is often referred to. Yet, the organization has deferred to the Secretary-General's Personal Envoy Christopher Ross, and expressed its unconditional support for the UN process. A November 2010 progress report by the Chairman of the Peace and Security Commission reiterated this position, and called for the "intensification of efforts towards the holding of a referendum to enable the people of the Territory to choose between the option of independence and that of integration into the Kingdom of Morocco."²

While this statement still exhibits a position of solidarity with the Sahrawi people, the AU is also exploring ways to strengthen its relationship with Morocco. Consultations between the AU and Personal Envoy Ross in September 2010, detailed the establishment of a panel of eminent experts to find ways of increasing Morocco's involvement in the work of the AU.³ This initiative along with growing trade partnerships with many Western African countries perhaps signals an evolving relationship between Morocco and the continent's premier institution. A stronger relationship between the two actors may also positively affect the stalled negotiations on the future of Western Sahara.

1 United Nations, Report of the Security General on the Situation Concerning Western Sahara, S/1994/1257 (5 November 1994).

2 African Union, Progress Report of the Chairperson of the Commission on the Implementation of the Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace and on the Tripoli Plan of Action PSC/AHG/2(CCL) (30 November 2010).

3 United Nations, Report of the Secretary-General on the Situation Concerning Western Sahara, S/2011/249 (1 April 2011).

KEY DEVELOPMENTS

From 17-26 October 2010, Ross visited the region for the second time to meet with the parties and Algeria and Mauritania. While both Morocco and POLISARIO maintained their commitment to negotiations, they refused to budge from differences on final status of the territory.

The third round of informal talks, convened by Personnel Envoy Ross, began on 8 November 2010 in Long Island, New York, as Moroccan forces began dismantling the Gdeim Izik camp inhabited by up to an estimated 15,000 Sahrawi activists to protest their social and economic conditions in Moroccan-controlled Western Sahara. Despite Ross's attempts to discourage forceful intervention, Moroccan auxiliary forces and police destroyed the camp using non-lethal means including tear gas, water cannons, and batons. The ensuing violence in the camp and in Laayoune left casualties on both sides—though the UN could not independently verify the numbers.

While the clashes did not bring the negotiations to an end, they did heighten mistrust on both sides. As in previous rounds, each side remained firm on their 2007 positions—not agreeing to the others' proposal as a sole basis for future negotiations.² To break the impasse, Ross got the parties to agree to "deconstruct" their proposals and pursue innovative approaches for future rounds to build a new dynamic for this process on the basis of regular meetings. Some headway was made regarding the implementation of confidence-building measures, including increasing the number of family visits between Sahrawi separated in refugee camps in Tindouf, Algeria, which were formalized in a meeting with Morocco, POLISARIO, Algeria, Mauritania, and UNHCR in Geneva on 9-10 February 2011.

Although the events of the Gdeim Izik incident overshadowed informal talks from 16-18 December 2010 in New York, with both sides trading accusations of human rights violations, the parties agreed to meet again and did so a month later on

Cyprus

The Secretary-General's Special Advisor (SASG) on Cyprus, Alexander Downer, has been facilitating negotiations between the Turkish Cypriot and Greek Cypriot leaders on settling the decades-long conflict over the island since September 2008. In executing his mandate, the SASG also liaises with other stakeholders, including the governments of Greece and Turkey, as well as the European Union. The SASG works alongside the head of the UN Peacekeeping Force in Cyprus (UNFICYP), Lisa Buitenheim, who acts as deputy to Mr. Downer in matters relating to the good offices of the Secretary-General.

The two leaders, Greek Cypriot Dimitris Christofias and Turkish Cypriot Dervis Eroglu, have now met over 100 times since UN-sponsored talks began. But despite optimism over progress made in 2010, negotiations towards a bi-zonal, bi-communal federation have slowed in early 2011.

Secretary-General Ban Ki-moon has warned that a window of opportunity is closing for constructive talks and has urged the two sides to achieve significant progress as soon as possible. This call carries particular importance in light of key upcoming political events in Cyprus that could impact negotiations in the near future, including the country's preparation for the EU presidency in June 2012 and presidential elections in February 2013. Already, some observers caution that the results of the election of the parliament in the Republic of Cyprus on 22 May, which saw the right-wing opposition party make some gains, are likely to intensify resistance to reunification talks between the two leaders in the long term.

While progress has reportedly been made on aspects relating to governance and power-sharing, EU matters, the economy, international treaties and certain aspects of internal security, such as a federal police force and movement across domestic boundaries, negotiations have failed to make progress on the core issues of property, territory, and security guarantees.¹ Property, in particular, remains an intractable issue. In July, the Secretary-General reported acceptance from both leaders of an offer for "enhanced UN involvement,"² while also citing renewed optimism for convergence on all core issues in the near future. To make headway on the issue, the SASG and his team continue to make available international experts to assist with technical aspects of negotiations.

Overall, the negotiations seem to be foundering due to the lack of a practical plan to move them forward. Some observers attribute this to the lack of political will among parties and warn of the risk of stalled negotiations. The SASG, whose role is to ensure that talks between the two leaders maintain momentum, has the difficult task of steering negotiations forward. Responsibility for reaching the overall objective of a comprehensive and lasting solution meanwhile remains in the hands of the two leaders and their respective communities.

1 The Treaties of Alliance and Guarantees, signed in 1960 by the UK, Turkey and Greece, established a security structure for an independent Cyprus. If common or concerted action may not prove possible, each of the three guaranteeing powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the Treaty of Guarantee. Both the Republic of Cyprus government and Greek Cypriot citizens continue to reject Turkey's role as a guarantor within this arrangement, while Turkish Cypriots advocate maintaining Turkish troops on the island. See International Crisis Group, *Cyprus: Reunification or Partition?* Europe Report No. 201, 30 September 2009, p. 19, available at http://www.crisisgroup.org/~media/Files/europe/201_cyprus___reunification_or_partition.pdf.

2 United Nations, *Secretary-General's press encounter following his meeting with Greek Cypriot and Turkish Cypriot Leaders* (7 July 2011), available at <http://www.un.org/apps/sg/offthecuff.asp?nid=1873>.

Long Island from 21-23 January 2011. While both Morocco and POLISARIO, in the spirit of Ross's call for innovative approaches from the third round, identified over a dozen approaches and ten subjects for discussion, most were aimed at advancing their respective positions. The only point of agreement

was for the Personal Envoy to "intensify and diversify his activities."

Opening the sixth round of informal talks, which took place in Malta from 7-9 March, Ross tried to impel the parties to negotiate seriously with assistance from Algeria and Mauritania by asking

them to reflect on the implications of the popular uprisings across North Africa and the Middle East. This call did little to bridge the divide between the parties. The two proposals were again presented and the parties engaged in a substantial exchange of views. However, the positions remained unchanged and, while each party considered that it had discussed the proposal of the other, they argued that their own had not been considered properly by the other party. Nonetheless, the parties agreed to examine the issues of demining and natural resources in future meetings, and three subjects as a part of innovative negotiating approaches: “provocation” and how to avoid it, possible measures to calm the situation, and what diversified and complementary activities the Personal Envoy could undertake.³ Despite Moroccan acquiescence to discussing human rights issues (an issue POLISARIO had pushed for consideration during earlier rounds), POLISARIO withdrew the topic from consideration.

On 28 April, the Security Council adopted resolution 1979 extending MINURSO’s mandate for another year. The resolution for the first time recognized the need to improve human rights in the territory and called on the parties to ensure their full respect but fell short of establishing a human rights monitoring mechanism or to extend MINURSO’s mandate to include human rights monitoring.

A little over a month later, from 5-7 June the parties met for the seventh round of informal talks on Long Island. The purpose of the meeting was to encourage the parties to deepen discussion of the two proposals, including by expanding their deliberations on innovative approaches. At the end of the meeting, neither party was prepared to accept the proposal of the other, making apparent the lack of a mechanism to oblige the parties to agree on either proposal for resolving the dispute.

After the eighth round of informal talks, held from 19 to 21 July in New York, the parties continued to reject each others’ proposals as the sole basis for future negotiations. Nevertheless, both Morocco and POLISARIO began discussions on governance, education, environment and health – irrespective of the territory’s final status. The parties also reiterated their support for confidence-building measures, including planned participation in seminars and meetings with UNHCR in September and October.

CONCLUSION

The contestation over Western Sahara is emblematic of two realities: the apparent preference of the international community and the parties’ respective backers’ for the status quo, and the parties’ insistence on a zero-sum approach. For decades, neither side has been willing to move in good faith away from its favored outcome: for Morocco, a confirmative vote, or international recognition legitimizing its control of the territory, and for POLISARIO, a three-option referendum including independence. The current impasse is borne from these realities.

Fundamentally, the tension between long-standing UN—and international legal—precedence for self-determination for former colonial territories, and the recognition that the very justification for the UN’s initial involvement (with MINURSO preparing and arranging a vote on self-determination) appears nearly impossible to accomplish continues to affect forward progress on a solution. The Personal Envoy position was created to encourage movement toward a “third option” or negotiated settlement, recognizing the futility of preparing for a vote that neither Morocco nor POLISARIO would allow if it did not guarantee their respective desired result. Despite the persistent efforts of Personal Envoy Ross, the support staff he receives from the Departments of Political Affairs and Peacekeeping Operations, and the occasional outside assistance during the informal talks (he was assisted in the third, fourth, and fifth rounds of talks by the Ministry of Foreign Affairs of Switzerland), his office does not command enough leverage over the parties to force their hands.

Ross has in the past expressed his view to the Security Council that only its direct engagement with the parties will breakthrough the stalemate. He has also called on the Group of Friends to use their political leverage to encourage more flexibility from the parties. Given the increased tensions since the violent outbreaks in November last year and the likelihood of renewed violence in the territory itself or the refugee camps if the status quo persists, the international community has to step up its commitment to solving the crises and appeal to the parties to move forward on issues under discussion as part of the innovative negotiating approach while continuing to deepen their discussions on the 2007 proposals as mandated by the Security Council.

NOTES

- 1 The Group of Friends (France, Spain, Russia, the US and the UK are its core members) was initially created to help MINURSO implement the Settlement Plan. However, from 2000 onward, as a referendum appeared increasingly remote, the national positions of the Group's members have complicated efforts to reach a consensus. France, the UK, the US and Spain (a non-Council member) – which is unwilling to risk its bilateral relationship with Rabat over the issue - generally support Morocco, with notable differences in the vehemence with which they do so, while Russia is sympathetic to POLISARIO.
- 2 S/2007/206 is Morocco's proposal and S/2007/210 is POLISARIO's proposal.
- 3 United Nations, Report of the Secretary-General on the Situation Concerning Western Sahara, S/2011/249 (1 April 2011).