Journal of Liberty and International Affairs | Vol. 4, No. 3, 2018 | eISSN 1857-9760
Published online by the Institute for Research and European Studies at www.e-jlia.com

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Peer review method: Double-Blind
Date of acceptance: November 22, 2018
Date of publication: January 31, 2019
Review article
UDC 323.26/.27:341.324(6-16)
327.56(6-16):341.123

Indexing
Abstracting

THE UNITED NATIONS LEADERSHIP ROLE IN SOLVING THE WESTERN SAHARA CONFLICT: PROGRESS OR DELAYS FOR PEACE?

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Abstract: *This paper evaluates the United Nations' (UN) involvement and efforts in Western Sahara, and assesses its perceived effectiveness in settling this conflict in the post-Cold War international order. The dispute in Western Sahara is the most protracted conflict in the history of the UN. Its settlement would provide a crucial platform for the progress of other unresolved conflicts under UN auspices. As a mediator and an intervening party, the UN has played a major role in the dispute, especially since the establishment of the UN Mission for Western Sahara, MINURSO. After outlining the history of the Western Sahara conflict, this paper elucidates the stages the UN has managed therein, and clarifies the reasons and motives behind the deadlock in the Sahara. The UN's efforts are evaluated, and the negotiating perspectives of the concerned parties in the conflict and role of Algeria, which considers itself not formally part of the conflict despite its role in preserving the current impasse, analyzed.*

Keywords: *United Nations; Western Sahara; Morocco; resolution; Algeria*

INTRODUCTION

Historical and Political Context: Origins and Development of the Western Sahara Conflict

Western Sahara is a territory in North Africa bordered by Algeria, Mauritania, and Morocco. Formerly a Spanish colony known as Spanish Sahara, the area is characterized by an historical and on-going territorial conflict between the Kingdom of

Morocco and Sahrawi rebel movement Polisario (the Frente Popular de Liberación de Saguía el Hamra y Río de Oro), which is backed by Algeria. A dispute marked by colonization, decolonization, invasion, and an intermittent political stalemate has given rise to "one of the longest, most intractable conflicts in Africa" (Munday 2009, 115-122).

Historically, many Moroccan dynasties have ruled in Western Sahara for almost a thousand years. The first dynasty that ruled over the Sahara was the Almoravid starting in 1060 A.D. (Jensen 2005). Under the rule of Yusuf Ibn Tashfin, the Almoravid Dynasty governed large areas in Northern Africa and Southern Europe (Almoravids 2014). These areas comprised what is currently known as Western Sahara and most of southern Spain. Control over the Moroccan territory shifted from one dynasty to another over the years. Each dynasty that took over Morocco controlled various territories according to the power it held (Jensen 2005, 23).

By the XVII century, Moulay Ismail, an Alaouite sultan, took over a large territory through his victorious expeditions in the Sahara (Jensen 2005, 22). When Moulay Ismail died in 1727, fighting between his sons left Morocco divided for decades, and power over the large territory became intermittent (Jensen 2005, 22). The Moroccan territory was split into Bled Makhzen, lands ruled by the Sultan where he had religious and political sovereignty, and Bled Siba, where the Sultan had religious sovereignty but no political control (Hodges 1984, 25).

Foreign Protectorates in Western Sahara

In 1884, Spain, a latecomer to the colonial scramble for Africa, seized Western Sahara. Local tribes refused to accept this territorial claim, instead choosing to engage in a 50-year fight against the colonial power for control of the land. After Morocco won independence of its northern territory in 1956, Spain maintained control over the coastal region of the country known as Western Sahara. June and July 1956 marked the start of the Morocco Liberation Army's (MLA) actions and two major Saharan tribes—Tekna and Reguibat—against Spanish rule to have Western Sahara reintegrated into Morocco (Attillio 1972, 195-205).

In February 1957, the MLA launched its attack against the French posts. The Spaniards and their supporters were defeated, and their installations and garrisons destroyed. In February 1958, with the support of the French military, the Spanish army retaliated via a joint military operation named Ouragan, during which the MLA was heavily defeated (Mercer 1974, 220-224). End of Spanish occupation of Western Sahara and creation of the liberation movement. In 1963, Morocco successfully lobbied to have the United Nations (UN) formally declare Western Sahara a non-self-governing territory and requested Spain to decolonize it in accordance with General Assembly Resolution 1514 (XV) of 14 December 1960 (Rockower, 2002).

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Later, in December 1965, the United Nations General Assembly's (UNGA) first resolution associated with this issue, Resolution 2072 (XX) of 17 December 1965 compelled Spain to decolonize Western Sahara and start talks regarding the sovereignty of the territory (Theophilopoulou 2006). In May 1967, to appease criticism, Spain established a Sahrawi General Assembly known as the Djemaa, giving the appearance that the Sahara was moving toward self-determination (Rockower 2002, 8). This assembly comprised several Sahrawi tribes; however, a Sahrawi political organization known as the Saharan Liberation Movement (MLS) was created to counter the Djemaa. Mohamed Sidi Ibrahim Basiri was the leader of the movement.

The new movement grew and members started to gather in peaceful assemblies and publish articles about the decolonization of Spanish Sahara and self-determination of Western Sahara. Frequent protests and assemblies soon developed into massive nationalist propaganda. The UN supported the movement, and in 1967, started demanding that Spain decolonize the territory. As a result of the UN's repeated insistence for a self-determination referendum and desire to decolonize Western Sahara, Spain started changing its colonist politics from the Francoist strategies of control to democratic politics. However, Spain continued to maintain its military bases and protectorate status in Western Sahara.

Throughout the period between 1966 and 1973, the UNGA adopted resolutions on this issue every year (MINURSO 2017) all of which emphasized the need to hold a referendum on self-determination. Furthermore, resistance against the Spanish occupation continued to grow in several ways. A number of Saharawis were motivated by other revolutionary movements in the third world, and started pursuing self-determination, which the UN resolutions highly recommended and urged. The Saharawis then started to organize into various resistance organizations under the backing of interested countries. These groups engaged in various roles at different times during the resistance struggle against the Spanish occupation of Western Sahara. Morocco endorsed the Liberation and Unity Front (FLU), Spain sponsored the Sahrawi National Union Party (PUNS), the Touareg Mouvement Revolutionnaire des Hommes Bleus (MOREHOB) was first backed by Algeria but turned to Morocco in 1975, and the Front for the Liberation of the Seguiet el-Hamra and the Rio de Oro (POLISARIO) were established in 1973 (Harvey 1988, 12-13). All these organizations were overturned or absorbed by other organizations; however, the Polisario became the dominant Sahrawi guerrilla group against Morocco in the Western Sahara conflict.

Initially, the Polisario Front, a liberation group founded on 10 May 1973 by Mustapha Sayed El Ouali, aimed to "opt for revolutionary violence and armed struggle as the means by which the Saharawi population can recover its total liberty and foil the maneuvers of Spanish colonialism" (Hodges 1984, 27). However, the group changed its course of action, delivering an ambiguous statement in favor of full independence of Western Sahara during its second congress in August 1974.

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This announcement proclaimed the Saharawi Arab Democratic Republic (SADR) as a government-in-exile in Algeria. The Polisario movement has since received the political, military, and diplomatic backing of the Algerian regime against Morocco.

On 14 November 1975, Spain eventually withdrew from Western Sahara through the Madrid Accords signed jointly with Spain, Mauritania, and Morocco. This accord deferred administration of the territory to Morocco (the northern two-thirds) and Mauritania (the southern third) after a transitional tripartite administration period. Subsequently, in 1976, the SADR, with a government in exile in Algeria, was founded with the aim to establish a sovereign state in Western Sahara. Serious fighting took place between the SADR's national liberation movement, Polisario forces, Mauritania, and Morocco. Consequently, Mauritania signed a ceasefire agreement with the Polisario in August 1975, renouncing its part of Western Sahara. Morocco immediately took control of most of the southern part of the territory formerly occupied by Mauritania.

UN-LED MEDIATION IN RESOLVING THE WESTERN SAHARIA CONFLICT: GENESIS OF UN INVOLVEMENT IN THE CONFLICT

The UN involvement in the Western Sahara conflict has been on-going for almost 40 years, 24 of them supporting a peacekeeping mission. Under UN auspices, the Western Sahara conflict experienced four different but overlapping phases: statutory, norm setting, crisis management, and conflict resolution. Jacques Rousselier described the four stages and how they were frequently marked by different viewpoints, coded words, puzzlement, and diplomatic opacity (Boukhars and Roussellier 2014, 143-144).

Statutory: Establishing the Legal Framework of the Conflict

In 1962, Morocco put the issue of Western Sahara, then under Spanish occupation, on the UN agenda. This is why successive resolutions of the UNGA called for negotiations between Morocco and Spain. In 1963, the UN was first requested to view the Western Sahara dispute as an issue pertaining to decolonization processes. This early period is referred to as *statutory* involvement during which the UN defined the legal and institutional structure of the dispute.

In 1965, the UNGA issued a resolution accepting the provisions of a resolution released on 16 October 1964 by the UN "Special Committee on the situation with regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples relating to Ifni and Spanish Sahara". This strongly urged Spain to relinquish these regions from "colonial domination and to this end, to enter into negotiations on the problems relating to sovereignty presented by these two territories" (United Nations General Assembly 1965, Resolution 2072).

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A year later, another UNGA resolution included a decolonization call similar to the previous ones, urging "the return of exiles and the free exercise by the indigenous population of its right to self-determination". It also pushed for "the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the territory to exercise freely its right to self-determination". The resolutions that followed from 1967 to 1974 did not bring new outcomes. However, they reiterated former calls to "take all the necessary steps to ensure that only the indigenous people of the territory participate in the referendum" (United Nations General Assembly 1968, Resolution 2428). Furthermore, the resolutions indirectly called on states to refrain from economic exploitation of the territory and its peoples, including new investment (United Nations General Assembly 1969, Resolution 2591).

In the two-track approach adopted by the UN over the years on its Western Sahara conflict resolution, the decolonization issue and process developed into a historically fixed and ideologically rooted narrative of the dispute. In the 1960s and 1970s, during the postcolonial era, the UNGA envisioned full self-determination as a goal for all peoples subject to "alien subjugation, domination, and exploitation", and intolerable political living conditions it identifies as a denial of a people's fundamental human rights (United General Assembly 1960, Declaration on the Granting of Independence to Colonial Countries and Peoples, UN General Assembly (UNGA) Resolution 1514). This theory of self-determination presumed that the majority of inhabitants in any colony would be free to choose their future political status, although the integrity of established national boundaries would continue to be respected. The Western Sahara territory has a defined indigenous population, and the indigenous inhabitants of the territory have the exclusive right to self-determination and independence. That right can only be achieved through a referendum of self-determination.

Normative: Crisis Management Approach

The UN shifted from laying the foundations of the legal framework of the conflict in the early 1960s and 1970s to crisis management, which was taken over by the Security Council, who proposed options for the resolution of the conflict.

Despite that the Security Council has been engaged with the management of Western Sahara, until now, this conflict continues to be discussed and subject to resolutions by the UNGA Special Political and Decolonization Committee. This clearly violates Article 12 of the UN Charter, which stipulates that while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the UNGA shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

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This two-fold involvement in this crisis laid new and lasting norms for settling the conflict. Noteworthy is that other external and political outcomes also interfered in framing the UN and International Court of Justice implications regarding settling the dispute. In addition, the renewal of Spain's obligation to carry out a referendum under UN auspices to set out the status of the territory led Morocco to protest Spain's methods and activities.

Moroccan endorsement of self-determination was built on a well-grounded assumption that the population of Western Sahara, if given the opportunity, would choose reunification with the Moroccan motherland. The links between Morocco and Western Sahara were considered historically strong and only broken and divided by colonial rule.

Furthermore, after a legal disagreement between Morocco and Mauritania over the status of Western Sahara, Morocco took the initiative and asked the International Court of Justice (ICJ), under the UNGA, for an advisory opinion regarding the legal status of Western Sahara before the colonization of Spain. The ICJ was requested to answer the following two questions: (1) At the time of colonization by Spain, was Western Sahara (Rio de Oro and Sakia El Hamra) a territory belonging to no one (Terra Nelius)? (2) What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity? While the ICJ was investigating the matter, Spain was requested to pause its planned plebiscite to allow the Court time to reach an opinion.

On 16 October 1975, the ICJ submitted its advisory opinion, which unanimously recognized that Rio de Oro and Saguia el-Hamra were not *terra nullius* before their colonization by Spain. The advisory opinion further acknowledged the following:

> At the time of Spanish Colonization, there existed 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 Mauritania entity, as understood by the Court, and the territory of Western Sahara (International Court of Justice 1975, Western Sahara: Advisory Opinion).

In diplomatic terms, the ICJ advisory opinion was endorsed as a sharp compromise between the unquestionable right of self-determination and convincing legal ties between Morocco (and Mauritania) and the Western Sahara territory. Thus, despite that the Court's outcome viewed self-determination as an option for the people of the territory of Western Sahara, acknowledging the existence of legal ties between the sultan of Morocco and some of the other tribes living in the territory' gave the incentive to King Hassan II to consider what he claimed regarding Morocco's sovereignty in the region. A few hours after the ICJ's verdict, Hassan II launched the Green March in which 350,000 Moroccans crossed into Western Sahara urging the

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Spaniards to withdraw south by several kilometers. The Green March forced Spain to submit a petition to the United Nations Security Council (UNSC) to take actions under Chapter VI of the UN Charter, marking the beginning of its involvement in the Western Sahara dispute.

Conflict Management

Despite UNSC and UNGA resolutions and recommendations along with pressure from the US calling on Morocco to renounce the Green March, on 6 November 1975, Hassan II went ahead with his plans. The same day, the UNSC submitted a strongly worded resolution that "deplored" the Green March, urging Morocco to "immediately withdraw from the territory of Western Sahara all the participants in the March" (United Nations Security Council 1975, Resolution 380). Spain relinquished administration of the territory to Morocco and Mauritania, and later informed the UNSC that it had ended its presence in Western Sahara. Nevertheless, the transfer of the territory did not change the status of Western Sahara as a non-self-governing territory under UN auspices.

Hence, the ICJ's advisory opinion re-established the framework of a future resolution in many important phases. First, it acknowledged Morocco and Mauritania's historical and legal ties to Western Sahara. Second, it recognized Algeria's role in the conflict. Finally, it extended the scope of the UN's initial identification of the dispute as the right to self-determination and independence. Thus, the ICJ advisory opinion reframed the conflict by altering it in future resolutions from a decolonization matter to a political dispute with defined interested parties, specifically, Morocco, Mauritania, and Algeria.

In 1976, the UNGA took up the Western Sahara issue, acknowledging the role of the Organization of the African Union (OAU), now African Union (AU), in finding a resolution to the dispute. The UNGA supported OAU Resolution 104, in which the organization provided for the first time fundamental reviews of a settlement plan whereby parties interested in the conflict needed to enter into negotiation. It also urged parties involved in the conflict, the Kingdom of Morocco, and the Polisario Front to enter into direct negotiations to bring about a cease-fire to create the necessary conditions for a peaceful and fair referendum for the self-determination of the people of Western Sahara under the auspices of the OAU and UN (United Nations General Assembly 1984, Resolution 39/40). This shift happened because of the failure of Morocco and the Polisario to achieve a political solution. Furthermore, under the auspices of the UNSC and OAU, the UNGA pressured the concerned parties to negotiate, in the shortest possible time and in conformity with resolution AHG/Res. 104 (XIX) and the present resolution, the terms of a cease fire and the modalities for organizing the said referendum (United Nations General Assembly 1985, Resolution

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A/RES/40/50). This resolution offered a large mandate for the former United Nations Secretary General (UNSG) Perez De Cuellar to mediate the conflict between the parties, known as the proximity talks that occurred in April 1986.[1]

CONFLICT RESOLUTION

The Settlement Plan: Inescapable Failure

Taking note of the agreement in principle, the UNSC requested the UNSG to appoint a special representative to work on the issue and report to the council as soon as possible on the holding of a referendum for the self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in cooperation with the Organization of the African Unity (United Nations Security Council 1988, Resolution 621).

The UN Settlement Proposals as set in the UNSG's report and accepted by the parties on 30 August 1988 was only seconded after two years by the UNSG's offices (United Nations Security Council 1990, Resolution 658). Perez De Cuellar affirmed the two concerned parties in the conflict, namely Morocco and the Polisario, without mentioning Algeria explicitly, despite that the latter had a role in drafting the implementation plan. Noteworthy is that in the UN; the task force in charge of drafting the implementation plan did not liaise with the UNSG and his close team, who were extensively implicated in the negotiations with parties.

Successive UNGA Resolutions reiterated that the parties enter into direct negotiations and urged them to implement the referendum on self-determination. Many experts claim that the UN Settlement Plan for Western Sahara lacked fundamental agreement on principals and processes for the envisioned self-determination referendum. The plan was supposed to assist the parties in finding a basis of mutual interest regarding voter eligibility and voter lists. In fact, this agreement should have been established before the start of the transition period. According to Jacques Rousselier, the UN Settlement plan faced in particular overt challenges regarding identifying voters for the referendum. This was the cornerstone of the UNSC biannual resolutions, except in 1992, where the council did not take up the question of Western Sahara, and in 1996, when it issued four resolutions taking a supportive stand on the UNSG's efforts to find solutions and compromises on voter eligibility, and calling for the parties full cooperation with the UN Mission on the ground.

[1] Author's interview with a former Moroccan Ambassador to Morocco in Algeria, April 2014.

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The United Nations Mission for the Referendum in Western Sahara (MINURSO) was established by UNSC resolution 690 of 29 April 1991 in accordance with settlement proposals accepted on 30 August 1988 by Morocco and the Polisario Front. The last two resolutions in 1996 included requests by the council to seek "alternative steps in the framework of the Settlement Plan should there be no meaningful progress toward removing obstacles to the implementation of the Plan" (Boukhars and Roussellier 2014, 152-153). Clearly, these puzzling appeals neglect the exploration of alternative ways; however, they address the impasses in the plan and seek solutions within the Settlement Plan system.

On 9 May 1996, the UNSG recommended postponing the work of the UN Mission's Identification Commission and reducing the number of civilian police and military personnel, while paving the way for a solution to voter identification. However, the stalemate on voter identification was noted in the UNSG report, which lead to remain at the full disposal of the parties should they agree to hold talks in whatever format to facilitate a settlement of their conflict (United Nations Security Council 1996, Report of the Secretary General on the situation Concerning Western Sahara). However, many observers overlooked, purposefully or by a lack of understanding, that from the start, a major procedural flaw meant that the Settlement Plan had no chance of being implemented. This weakness, which made the plan unfeasible, is the way Morocco and the Polisario interpreted it, each from their own perspective (Jensen 2005, 22).

Issa Diallo, a special assistant to Perez de Cuellar's task force responsible for producing the details of the Settlement Plan, led separate secret meetings with both Morocco and the Polisario. He did not share the reservations of the concerned parties regarding the Plan with other task force members and the UNSC (Bergh 2007).

This clarifies both parties' vehement opposition to and apparent frustrations with the many paragraphs contained in the draft plan. With the appointment of the former US Secretary of State James A. Baker III as the UNSG's personal envoy for Western Sahara, he resumed the voter identification process in December 1997. He developed a resolution for disputed issues (code of conduct for the referendum campaign; confinement of Polisario troops; and a decrease in the number of Moroccan troops, refugees, prisoners of war, and political prisoners) under the Houston Agreements adopted in September 1997. After several attempts to resume the implementation of the Settlement Plan, the Secretary General and his personal envoy concluded three critical observations. Regarding the issue of the voter identification process, it concluded that after nine years of UN operations in Western Sahara, throughout the identification process, the cooperation of one or the other party with MINURSO has been predicated upon its perception of how the results might be favoring the other side. As per the appeals, it deduced that the respective positions of the two parties do not augur well for an early resolution of the issue of admissibility of appeals for hearings. Under these circumstances, the timetable envisaged is no longer

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valid, and the date of the referendum, which has been repeatedly postponed since 1991, can still not be set with certainty at this juncture. Finally, the report noted, the experience has shown that each time the United Nations has proposed a technical solution to bridge the parties differing interpretation of a given provision of the settlement plan, a new difficulty, requiring yet another round of protracted consultations, arises (United Nations Security Council 2000, Report of the Secretary General on the Situation Concerning Western Sahara).

On that account, the UN envoy on Western Sahara held four meetings to consider the call of the international community to settle this issue. Based on the outcomes of these meetings, Baker thought, it is much better to reach a political solution than seeing the process collapse, as this could lead to the resumption of hostilities, which must be avoided at any cost (Cuéllar 1997, 352).

To summarize, the way in which the Settlement Plan was adopted reveals that the principal intent of the UN was to reach an agreement, as early as possible, between the protagonists and call off the war, not advance a viable proposal that could materialize on the ground.

Since the adoption of the UN Settlement Plan in 1991, the UN has for more than a decade focused on achieving a solution to the territorial question, which pits Morocco against the Algerian-backed Polisario, by means of a referendum with the option of independence among the envisaged outcomes.

In his memoirs entitled *Pilgrimage for Peace*, Perez de Cuellar was convinced that the Settlement Plan could not address all the concerns of the two parties and that a compromise solution had to be sought. He declared: "I was never convinced that independence promised the best future for the inhabitants of Western Sahara".[2]

The Framework Agreement

In September 2000, Morocco proposed a new solution to the dispute to the Polisario Front, which was not aligned with the Settlement Plan. Morocco`s platform of negotiation was its plan to grant autonomy to Western Sahara; however, this initiative did not go further. This led James Baker to share with the UNSC the draft Framework Agreement on the status of Western Sahara, which was presented to the parties.

The agreement provided a five-year period of autonomy followed by a referendum on the status of the territory. The Polisario and its regional backer Algeria rejected the draft Framework Agreement, as they perceived it as yielding to Morocco's inspirations while providing too little to their own claims.

[2] Author's interview with Anna Theophilopoulou, Former UN official, New York, 2014.

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Baker presented the draft Framework Agreement in a revised form as the Peace Plan for Self-Determination of the People of Western Sahara in 2003, which entailed a powerful endorsement from the UNSC. The plan offered a referendum on the final status of the territory for the population of Western Sahara and included independence, integration with Morocco, and self-governance or autonomy. Despite that Algeria submitted a detailed criticism in writing of the draft in response, it accepted the plan and pushed the Polisario to do so as well (Jensen 2005, 111).

Morocco rejected the plan, arguing that Baker's new proposal was aligned with the failed Settlement Plan, reintroducing the holding of the referendum that would provide the concerned parties with the initial options. Actually, this plan did not consider the sociological, tribal, and ethnic composition of the population of Western Sahara, as well as the need for the genuine adhesion of all populations to the status given to them.

After Morocco`s official rejection of the plan, the UNSG's Personal Envoy James Baker resigned, resulting in a sudden end to UN and US mediation efforts. After a two-year gap, the Secretary General appointed Peter van Walsum to the post in 2006. Morocco decided to reinvigorate its autonomy plan for Western Sahara on 11 April 2007.

Autonomy Plan

Van Walsum was appointed as the next UNSG envoy on Western Sahara. While Morocco presented its Autonomy plan for Western Sahara on 11 April 2007, the Polisario presented its own proposal, namely to re-launch the discussion on holding the referendum that would offer a choice between independence, autonomy, or integration into Morocco. The proposed autonomy plan presented by Morocco asserted that it was based on internationally recognized norms and standards, and detailed the proposed powers of the Sahara autonomous region, the bodies of the region, and modalities for approval by the population concerned with the statute (Agence France Presse, 2007). Through US Undersecretary of State Nicholas Burns, the US quickly welcomed the proposal, characterizing it as "serious and credible" (ElPais 2008).

The Moroccan initiative was not a decisive solution, but provided a platform of negotiation. Following this development, the UNSC decided to drop the 50-year campaign for a referendum and urged the parties to engage in direct talks in good faith and without preconditions' for a political solution. During the four talks held in Manhasset, New York in 2007 and 2008 under Van Walsum, the Polisario refused to discuss and consider autonomy or anything but independence. The new envoy made no progress in bridging the disagreement between Morocco's autonomy plan and the Polisario's position that a referendum on independence must be an option. In 2008, Van Walsum briefed the UNSC that the Polisario hoped for independence, which was unrealistic; thus, coming to terms with reality would be in the Saharans' best interest

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(Security Council Report, 2014 Mandate extension of the MINURSO). After this remark, the Polisario stopped dealing with him. For them, he remained a *persona non grata* until his contract ended. Christopher Ross, former US diplomat in Algeria, was appointed as Personal Envoy in 2009. From 2009 to 2016, Ross conducted 10 informal rounds of negotiations, which led to no progress given the fundamental differences between the parties' positions. None were willing to concede to a compromise. Furthermore, during Mr. Ross' appointment, several miscalculations by the UN secretariat under Ross and UNSG Ban Ki Moon impeded the negotiation process.

In 2013 at the renewal of the MINURSO Mandate, Susan Rice, former US ambassador to the UN, introduced a broader mandate for the UN peacekeeping mission to monitor and report on the human rights situation in Western Sahara. This proposal was endorsed by several humanitarian organizations in the US, and severely criticized by Morocco. In addition, the MINURSO mission is the only one that does not have the power to monitor human rights. At least 5 of the 12 UN missions do not have the power to monitor human rights. Furthermore, Morocco embarked on improving its human rights in 2011 through the creation of regional human rights committees in Western Sahara to monitor and address the situation in the region under the authority of the National Council for Human Rights. This initiative was praised by the UNSC in resolutions No. 1979 and No. 2044 (Stone Walling on Refugees Rights, 2009). The UNSC soon withdrew the proposal to enlarge the mandate of the MINURSO.

A few years later, the UNSG's Personal Envoy started pushing for another alternative solution to the conflict. He indirectly shunned Morocco's proposal, proposing a federation or commonwealth between Morocco and Western Sahara. The UN again failed to consider that this new proposal did not take into account the specifics of the Western Sahara region. Rather, it incorrectly compared the region with foreign countries that applied the system of commonwealth and federation, namely the US and the UK. Moreover, with the continuous impasse at the level of the UN to find a solution, Morocco unequivocally decided to not step back on the proposed autonomy plan, and dismissed any negotiations that would lead to independence.

In the same years as Christopher Ross' tenure, UNSG Ban Ki Moon made an undiplomatic move during his visit to Tindouf Camp in Algeria in March 2016. Following his meetings with Algerian officials and the Polisario leaders, Ban Ki moon expressed his endorsement of the Polisario, and intentionally described Morocco as an occupier of Western Sahara. His controversial comments about the 'occupation' of Western Sahara generated a great deal of pushback from a broad spectrum of Moroccan circles—from the government's decision to cut the number of staffers and funding at the UN mission in the Sahara to global protests in different parts of the world. Currently, with the appointment of the new UNSG Antonio Guterres and the new UNSG, bringing the parties back to the negotiating table raises questions about the utility and promise of international mediation in the long-standing conflict in North Africa.

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ALGERIA AS AN IMPORTANT PARTY IN SOLVING THE PROBLEM

Since Morocco's reintegration of Western Sahara, Algeria has contested the move and in retaliation, began supporting the Polisario militarily, diplomatically, and financially. The Algerian Republic was determined that by challenging Morocco's claim to Western Sahara, it would prevent it from strengthening and enriching its position in North Africa, paving the way for Algeria to become the pre-eminent power in the region. While Algeria has never claimed its interest in the Saharan conflict, it has *de facto* been a major player therein. Since then, geopolitical rivalry ensued from Algeria, which sought dominance over the Maghreb.

In addition, ideological differences have also played a role. Monarchical, capitalist, conservative, and pro-Western Morocco contrasts sharply with the revolutionary, former single party, socialist, and anti-Western Algeria. In the UN, Algeria was deeply involved in helping the Polisario achieve the independence of Western Sahara through self-determination based on holding the referendum. This started with the second Algerian President, Houari Boumedienne, who was staunchly in favor of Saharan self-determination. His agreement to provide the Polisario with weapons, political support, sanctuary, and information facilities caused continued intermittent tensions in Moroccan-Algerian relations. Algeria's efforts in the Western Sahara conflict, especially at the level of the UN, are comparable to those of an involved party such as Morocco. These efforts include Algeria's input in the draft of the Framework Agreement, its push to incorporate human rights duties in MINURSO's duties, quest for independence of Western Sahara, and refusal to deal with an appointed UNSG personal envoy who endorses Morocco's efforts to reach a just and lasting political solution to this conflict, as in the cases of De Soto and Van Walsum. In its official communication to the UN, Algeria sometimes presented itself as "a concerned party" and an "important actor" or "party in the settlement of the dispute".

Another component impeding the resolution of this dispute is Algeria`s systematic refusal to allow the High Commissioner of Refugees (UNHCR) to conduct an independent census to determine the number of Sahraoui living in the Tindouf Camps. The international community is pushing for an independent census to determine the number of Sahrawi refugees living in Algeria, but the effort is meeting considerable resistance. For more than 40 years, the UN has not succeeded in stopping Algeria from refusing requests from the UNHCR to fulfill its mandate and conduct a census of the Sahraoui population in Tindouf Camps in Southwest Algeria.

While Algeria's unjustified rejection can be easily considered in the context of its tense relations with Morocco and need to have the Sahraoui on its soil for its political propaganda, the refusal of the Polisario leaders is essentially driven by the profit they gain from an excessive estimation of the number of refugees by requesting more humanitarian aid.

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Several reports published by UN agencies such as the UNHCR and World Food Programme highlight Algeria and the Polisario's embezzlement of the humanitarian aid intended for the Sahraoui population in Tindouf. For Morocco, the solution of this conflict arises from a genuine contribution of the Algerian regime that must show the necessary political will to break the deadlock over the process.

CONCLUSION

For more than 40 years, the UN has attempted to settle the Western Sahara dispute, balancing the concerns of two main party goals: autonomy/sovereignty and self-determination. The status quo is the result of an unusually substantial and consistent set of factors. First, interest in this dispute is small, and insufficient international attention is given to the conflict, despite the continuing major threats of terrorism developments and spike in instability and insecurity in the Sahel and neighboring regions, where links between Al-Qaeda in the Islamic Maghreb (AQIM) and the Polisario Front have been revealed. Second, the persistence of the intermittent historical tensions between Algeria and Morocco as well as Algeria's lack of genuine commitment to resolving this dispute seriously hinders its resolution. Finally, the international community is unable to genuinely contribute to a solution, because there simply is no international interest in the conflict. In the UN, the lack of political momentum reveals the divergence of intentions between states in the UNSC or UNGA, or the upcoming rounds of negotiations. The conflict tested James Barker's imagination and patience from 1997 to 2004, and he proposed a referendum that did not lead anywhere. His successor as the UNSG's Personal Envoy to Western Sahara, Peter Van Walsum, resigned after three years, because he believed that independence was not a viable solution. Christopher Ross, who after several meetings to discuss new proposals from the parties in 2007, did not succeed in making progress on the issue, replaced him.

In September 2018, the new UNSG Personal Envoy to Western Sahara, Horst Kohler, invited Morocco, Algeria, Mauritania, and the Polisario Front to re-launch negotiations in Geneva on 4 and 5 December,2018 with a new dynamic and spirit. With the new appointment of the UN chief in January 2017, Antonio Guterres, there is a need to implement a realistic vision to end this conflict. It is important to learn from the approaches of former UN diplomats, which did not lead Western Sahara to a major political solution, and from the stubbornness of the UNSC to pander to unfeasible mechanisms such as self-determination leading to independence.

The latter instance, which when applied through the UN to some conflict zones such as in South Sudan, brought chaos and instability to the citizens. Finally, the UN's mediation role in this conflict should be redefined in light of current developments in the region, as well as the threats of refugee Tindouf camps on the stability and security of the region and Algeria's full-fledged role in the conflict. 

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