Western Sahara: A Frozen Conflict

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Polisario Front to Europe

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Abstract: The conflict in the Western Sahara is one of the oldest and most neglected. It is a conflict that moves yet fails to transform. It includes a number of internal and external traits, a high involvement of external actors and, apparently, no real desire to negotiate, impeding the disputing parties from transforming their initial positions that render this conflict frozen. It is a conflict in which, despite decades of negotiations and the expressed desire to reach a resolution (whether by autonomy, annexation or independence), economic and political interests, identities and the influence of foreign relations seem to obstruct rather than contribute to the conflict transformation. This article offers arguments that explain the Western Sahara conflict as a frozen one, and argues that acknowledgment of this reality is necessary to enable a conflict transformation that would contribute to the security of the region of North Africa.

Keywords: Frozen conflict, conflict transformation, Polisario Front, Western Sahara, self-determination

Introduction

In 1975 Spain resigned 'Africa's last colony', a territory that for more than three decades has been submerged in a conflict that some viewed as secessionism, and others as illegal occupation. The Western Sahara conflict remains one of the oldest and one of the most neglected despite its being an important cause of instability in the Maghreb, a reason for the lack of successful regional integration, and a possible threat to the region's security.

Opinions and studies addressing the conflict are torn between the Saharawi point of view of Morocco illegally taking control of its territory and resources, and the Moroccan view of the Western Sahara historically belonging to the Kingdom's sovereignty. Regarded by the

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conflicting parties as a zero-sum game where negotiations appear useless since it seems impossible for either actor to win; it is a conflict that moves but does not transform[1], a conflict that maintains a stalemate and is still as far from being resolved as it has always been. The conflict in Western Sahara is a frozen conflict.

What Makes a Conflict Frozen?

The term 'frozen conflict' does not stand for a determined concept, with a shared definition and specific traits. The term has become a category or a political concept that is more frequently used to refer to those conflicts that persist over the years, even decades, and therefore give the impression of stagnation.[2] The term "frozen conflict" assumes that the conflict is paused, which is misleading. Still, such conflicts are referred to as being frozen because throughout the years, despite negotiations and armed events that took place, there is still a situation of *status quo* without a clear end to the conflict, creating 'no peace no war' situations. In frozen conflicts the positions of the actors usually revolve around the core demands of independence *versus* territorial integrity. Therefore, a structural change is needed for a transformation of the conflict, which would involve a transformation of the underlying conditions that gave birth to the initial conflict.

Conflict transformation involves changing positions from an antagonistic and incompatible point to the one of compatibility. This means that unless the positions of the actors, their behavior and perspectives about each other and themselves change, there can be no real transformation of the conflict, for every step forward in practice means no step at all. Deriving from the depicted concept of 'frozen conflict' this article offers several arguments that portray the Western Sahara conflict as frozen, and recommends possible approaches that could result in conflict transformation.

Historical Overview

Spain resigned its last colony in the Western Sahara in November 1975 by signing the Madrid Agreement (or Accords) with Mauritania and Morocco. However, lacking any previous consultation of the Saharawi population; the act was challenged by the UN Security Council and the ICJ which rejected Morocco's claim of historical attachment

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1   Movement is inherent in every conflict because opposing opinions lead to negotiations, dialogues, interventions (whether successful or not), and/or armed events happening even at a small level, which in turn have consequences. No conflict can be paused. Thomas Diez defines conflict transformation "as the transformation of subject positions from incompatibility/antagonism to compatibility/tolerance" (Diez 2003, 1). A conflict can witness escalations and de-escalations, but can remain without transformation if the positions of the parties involved do not change.

2   This concept was initially used to describe the conflicts that appeared after the disintegration of the Soviet Union and is commonly applied to the conflicts that rose in Eastern Europe and the southern Caucasus region. Other conflicts as the one in Cyprus, East Timor, Palestine, Kosovo, and the case of Ireland have been referred to as frozen conflicts, too.

to the Western Sahara territory. The UN then urged for the respect of the right to self-determination of the Saharawi people and called for a referendum in which independence would be one of the offered outcomes.

The referendum was first postponed due to differences among the parties' opinions regarding the eligibility to vote, but there were also further incompatibilities that characterized the relation between the Polisario Front[3] and Morocco, driving the parties through decades of conflict, negotiations, clashes and changing demands. However, no transformation has yet occurred, allowing for the the impression that "no party feels an urgent need to (truly) negotiate".[4] Since 2007 dialogues and rounds of talks have taken place with no successful conclusion. The last negotiations that took place from 11 to 13 March 2012 were no exception. In the armed arena, violent events such as clashes between the Saharawi population and Moroccan authorities, numerous cases of torture and killings on both sides occur on a regular basis.

Despite its claims in support of a referendum, Morocco has used any conceivable obstacle to prevent it from happening. Instead, it has promoted its interests through the option of autonomy, though without a Saharawi consultation. Polisario, on the other hand, refuses to take the principle of self-determination off the table and maintains its firm claim that the Saharawi population has the right to decide their own future.

What Makes the Western Sahara Conflict a Frozen One?

In the Western Sahara conflict movement does exist (formal and informal negotiations take place, armed events occur, and the conflict is prone to a sudden escalation) but there is no transformation because the positions of the actors are constrained by several factors.

The lack of transformation can be seen as a way for both Polisario and Morocco to seek time to leverage international opinion and the UN's support for their own causes. Both actors have focused their efforts on exploiting their location and its importance to the West "to be considered trustworthy and deserving support of all sorts".[5] If both parties 'behave', avoid an armed conflict and pretend to commit to a dialogue, they believe they will receive the external political and diplomatic support necessary to outdo the opposing party.

As a frozen conflict, the Western Sahara case involves a secessionist party that has established control over a territory, creating a *de facto* state that is not entirely recognized

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3   National Liberation Movement of Western Sahara. POLISARIO stands for Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro; for its Spanish acronym, *Frente Popular de Liberación de Saguia el-Hamra y Río de Oro.*

4   Alterman and Malka 2006, 2.

5   Shelley 2004, 7.

neither by the main state nor by the international community. Since the Western Sahara is not recognized as an independent state by many countries nor recognized as belonging to Morocco's sovereignty, the conflict relies solely on international and humanitarian law (although both of these have been violated by the parties on several occasions).

The disputing parties are also affected by lack of recognition, for neither Morocco nor Polisario have any legitimacy in each other's eyes, and therefore refuse to recognize the opposing actor's demands. To Morocco, Polisario, as a secessionist movement, has no legitimacy as a government or representative of the Sahrawi people. Moreover, they claim the Western Sahara conflict is an internal matter that should be treated as such and resolved by Morocco without external intervention. On the other hand, it does not recognize the legitimacy of Morocco over the territory and its resources, or over the Sahrawi people, because it views Moroccan presence as an illegal occupation.

The stalemate is further reinforced by the clashing identities contained in the positions of the actors. Contrasting identities see the opponent as a threat that challenges the sovereignty and legitimacy of the other. There is a fear that if Morocco loses control over Western Sahara, the survival of King Mohammed VI as the head of state would be threatened[6] and that the referendum could not only provide results against Morocco's interests but could also trigger further discontent that may threaten the central government. While Morocco's identity, national unity and the monarchy's leadership significantly rely on the successful occupation of the Western Sahara, the Saharawi identity is one of the strongest means of resistance that the Sahrawi people have at their disposal. Loss of this territory would signify Polisario's failure and the destruction of a common culture of resistance that has been forged for years inside the refugee camps based in Algeria.

Decades of conflict have caused, and resulted in, a lack of trust that now exists between the parties. While Morocco has presented the topic as a threat to the existence and survival of the Kingdom, experience has made Polisario lose all trust in Morocco, believing that it had been overly patient without receiving anything in return neither from Morocco nor from the international community. Consequently, negotiations take place in bad faith. Both parties evade negotiations, and the few times they have agreed to them, they did so with no intention of reconsidering their positions.

Inflexibility is also influenced by the role played by natural resources. The Western Sahara region is considered second largest regarding phosphate deposits, oil and natural gas, while it also possesses a coastline rich in fish. Nonetheless, the desire to own and control the riches of the Western Sahara is in the interest not only of the actors in conflict but of exogenous actors as well. The fate of Western Sahara "continues to be hostage to the geopolitics of the interests of regional and international actors".[7]

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6   International Crisis Group 2007b, 6.

7   Ghettas 2010, 1.

The involvement of external traits, defined mainly by the influence of external actors, increases the complexity of the Western Sahara as a frozen conflict. The international community, with the exception of few countries and organizations, has maintained (or pretended to maintain) a neutral stand towards the conflict. Nevertheless, exogenous actors have been actively involved in the , providing military and economic aid while maintaining an image of impartiality, or simply oscillating between diplomatic recognition and non-recognition. Accordingly, "where there is international competition, the opposing parties gravitate into the economic, security and political sphere of their protecting power".[8]

The Algerian open support to the Western Sahara derives from a long-standing ideational support of self-determination as the basis for solving decolonization issues. This support has also cooled the Moroccan-Algerian relations and encouraged further competition over influence in North Africa. With the occupation of Western Sahara, Morocco not only enlarged but also gained access to valuable natural resources, This threatened the position of Algeria in the region. If the Western Sahara became a recognized state, it would, consequently, become an important client or satellite state that would give Algeria access to the resources and the Atlantic Ocean, something that would be unimaginable if Morocco was to control the territory.

France's position has been markedly inclined towards supporting Morocco. Historical connections between these two countries, their commercial interdependence (since the 1990s, France has been the leading trading partner, providing public development, military and economic assistance to Morocco) and their close diplomatic ties have made France a key actor for Morocco. In the eyes of the French, the loss of Western Sahara represents a threat of political and social unrest, from Islamist groups in particular.[9] However, France has been careful not to upset Algeria, for this country is also rich in resources and is regarded as essential for security and strategic reasons. Although France has never officially recognized the sovereignty of Morocco over the Western Sahara, its behavior negates juridical neutrality; France remains one of the main supporters of the proposal of autonomy under Moroccan sovereignty, and has rarely criticized Morocco's violations of human rights.

The United States have also provided military and diplomatic aid to Morocco; during the Cold War period, Morocco represented an "extension of the administration's support for governments that share its fierce ideological hostility to the Soviet Union and local 'proxies'",[10] while its location has always been strategic to American interests. Nonetheless, the US has preserved a friendly relationship with Algeria (rich in natural gas and hydrocarbon resources), which became instrumental in the American battle against terrorism following the events of September 11, 2001. The US fears that a transformation

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8   Noutcheva, *et. al.* 2004, 1.

9   Zoubir and Benabdallah-Gambier 2003, 10.

10   Wenger 1982, 25.

could create further instability in the region of North Africa and hence become an obstacle for regional economic integration which, in turn, could jeopardize the conditions for a bigger market that could satisfy its interests in investment.

The European Union has played an increasingly important role as a result of the trade agreements signed with Morocco concerning fishing and agriculture. Although the EU has tried to maintain an impartial role towards the conflict and the parties in order to maintain good diplomatic relations and economic benefits, the EU has shown more support towards Morocco, the latter being the major trade partner. Inside the EU, positions towards the conflict are divided, particularly concerning the human rights situation, although this never prevented the EU from pursuing its economic interests.

The UN has played one of the most important roles in the conflict. It has conducted negotiations and promoted dialogue between the parties, helped them achieve a ceasefire, and provided the conflict with a special mission - MINURSO. Nevertheless, despite promoting the idea of a fair and free referendum, the UN has accepted Morocco's objections by postponing it. The fact that the UN has defined the conflict as one of decolonization has also kept other governments from having the opportunity to exert pressure over Morocco. Additionally, it has never punished any of the conflicting parties for breaching the agreements or for violating international law, nor exerted any kind of pressure on them to commit. The UN's approval of Morocco's proposal for autonomy is also viewed as "a clear concession to Moroccan intransigence after more than a decade of deadlock, (coming) at the expense of international law and UN resolutions,"[11] while the role of MINURSO may be criticized for being the UN's only mission that does not have include responsibility of human rights.

The involvement of exogenous actors has proven counterproductive. These actors have taken advantage of their relationships; by providing material and financial aid, they have kept the dispute alive without providing assistance needed to make either party sufficiently strong to crush the opponent.

The problem with the influence of external actors like France and the United States lies in the fact that they not only contribute with the supply of aid, but that they are at the same time dominant actors in the UN Security Council, therefore influencing the stalemate from two different directions. Besides, transforming the conflict would also require high levels of resources and investment in a conflict that, so far, has shown not to affect their interests or security. The lack of escalation also gives the impression that there is no need to intervene. Since no interests seem to be at risk, and the conflict does not give the impression of being a security threat, the Western Sahara continues to remain a topic that is constantly postponed on the global agenda. It remains a conflict that receives scant attention of the media and, consequently, of the international community.

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11   Zoubir and Benabdallah-Gambier 2003, 8.

Furthermore, the long duration of the Western Sahara conflict has caused the manifestation and worsening of other disputes that contribute to the freezing of the conflict. While the Western Sahara dispute has been the main issue to impede the North African regional integration, the cost of the occupation of the territory has also represented an obstacle to economic growth and development.[12] Social, political and economic inequalities as well as unemployment affect the Moroccan population in many regions of the country; while in the liberated territories and refugee camps people live constrained by harsh desert conditions and poverty.

Continuation of this conflict could likewise pose a threat to the security in the region. The lack of transformation has resulted in the lack of trust between the parties and in increasing levels of frustration that could make violence seem as the last resort for calling on international attention and speeding up the process of a resolution. Moreover, the influence of the Arab Spring, the presence of terrorist groups such as Al-Qaeda in the Maghreb, and the neighboring conflicts as the one in Mali can absorb the Sahrawi people[13] and further destabilize the region, not only in political and economical terms, but predominantly with regard to its security.

What does being frozen imply for the future of this conflict?

Defining the conflict as frozen does not mean that there is no possible solution for it; nor does it mean that the conflict will remain at the same stage forever. Inherently, a frozen conflict can escalate at any point; if born in mind and managed adequately, this characteristic can prevent a future conflict. At the same time, defining the conflict as frozen is a useful step to approach the conflict and the parties from different angles.

The proposal of autonomy, in general, seems plausible and rational; in particular, however, it will not lead the conflict closer to a resolution as long as autonomy is offered instead of independence. This violates the UN's definition of the conflict as one of decolonization, the basic right of the people to self-determination, and above all, the Polisario's original demand and condition for negotiation: the right to vote about one's own future. If autonomy is chosen; would it work in the long term to maintain peaceful relations that satisfy both actors?

A resolution by way of autonomy would mean giving political, social and economic rights not only to the Sahrawis, but also to the new autonomous government which is doubtful that Morocco will allow to be conducted by the Polisario Front. Autonomy would mean transferring the control and management of natural resources to the new autonomous region. If the autonomy option does not consider these points, it is highly improbable that

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12 International Crisis Group 2007b, 12.

13   Several sources claimed that ex-Colonel Muammar Gaddafi used Sahrawis mercenaries against the Libyan population.

Polisario will agree to the Moroccan 'third-way'. "What guarantees would there be that Rabat would not subsequently go back on its initial autonomy deal – either by reducing the devolved powers or by harassing, destabilizing or even banning the Polisario Front?"[14]

Internal changes and the development of democratic institutions open to the participation of Sahrawis without discrimination could loosen the tight positions of Polisario. Political, economic and social reforms could be introduced to include the assurance of the Sahrawi population's rights and liberties. Polisario could also contribute by offering certain benefits to the Kingdom, i.e. special agreements concerning natural resources, trade, and security.

The problem is not only current but spans into the future as well. As John F. Kennedy once said, "those who make peaceful revolution impossible will make violent revolution inevitable". Younger generations of Saharawi people who have been born and raised away from their land or deprived from their rights could turn to violence in response to frustration. In addition, a regional context of revolution, terrorism and armed conflict could push both the Moroccans and the Sahrawis into demanding a change through violent means, or into adopting such activities as means of survival. The duration of the conflict and its lack of transformation influence the minds of the population, which in turn can act as a future barrier for the resolution of the conflict.

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14   International Crisis Group 2007a, 7.

* All the opinions stated in the article are the authors' personal opinions, and not the opinions of the institution where they are employed.

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