

Momentum for negotiations on Western Sahara will fade

Friday, November 8, 2019

After uncommon impetus for dialogue, a new UN resolution signals a return to less-active international engagement

On October 30, the UN Security Council (UNSC) adopted a resolution extending the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) for another twelve months. After three six-month extensions, this signifies a return to 'business as usual' in the UN approach to the frozen conflict, following a period of unusually intensive efforts to revive negotiations, primarily due to former US National Security Advisor John Bolton's involvement.



Moroccan soldiers stand on an earth wall separating areas of control in Western Sahara, September 2016 (Reuters/Zohra Bensemra)

What next

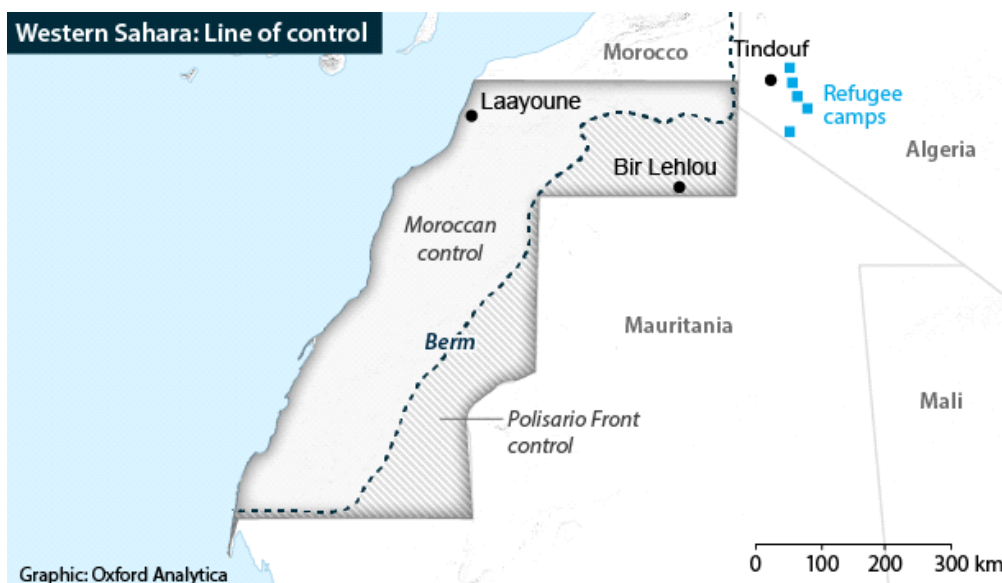
UN-led roundtable talks -- initiated last year by Horst Kohler, then personal envoy of UN Secretary General Antonio Guterres -- will lose momentum for lack of meaningful pressure on Morocco. Virtually all conflict variables now favour Rabat's short-to-medium-term interest in continuing the status quo.

Subsidiary Impacts

- European ties with Morocco will deepen, driven by the priorities of EU institutions and member states.
- The Polisario Front will hope to score further victories through legal challenges to EU-Morocco cooperation deals.
- Political uncertainty in Algeria may be correlated with a reduction in Sahrawi international activism.

Analysis

Most of Western Sahara is under Morocco's de facto control, but is considered by the UN to be a non-self-governing territory. In 1991, a ceasefire was agreed between Rabat and the pro-independence Polisario Front on the understanding that a referendum would be held on the territory's status, with MINURSO established to organise it.



The referendum never happened, thanks to disagreements over who should vote (many Moroccans have settled in the territory since its annexation in 1976). Meanwhile, Morocco's position has shifted in effect to opposing any independence vote, instead pursuing international recognition of its sovereignty claims through diplomacy.

New mandate

The new UNSC resolution extends MINURSO's mandate on terms similar to previous resolutions of the past decade, including the customary compromise of urging a "political solution which will provide for the self-determination of the people of Western Sahara".

The resolution again does not incorporate human rights monitoring into MINURSO's mandate -- traditionally a bone of contention in UNSC debates (see WESTERN SAHARA: Frustration may trigger local violence - May 6, 2015).

Momentum stalls

What is different about this resolution, however, compared to its three most recent predecessors, is that MINURSO is to return to a twelve-month mandate.

This had been the norm until April 2018. It was halved at Washington's initiative to put pressure on the international community to force the two parties to engage seriously in negotiations.

This helped generate momentum for roundtable talks that Kohler convened in Geneva in December 2018 and March 2019, the first face-to-face meetings since 2012. Those talks included Algerian and Mauritanian representatives, as well as Morocco and the Polisario Front.

Going back to year-long mandates, as advocated by France in particular, signals the closure of a window of opportunity for dialogue.

Morocco views the conflict as a regional dispute with Algeria

Another, more subtle, difference between the text of the new resolution and the two previous ones is the omission in its preamble of the words "the parties and neighbouring states", referring to the four participants in the Geneva process.

Removing the mention of Algeria and Mauritania as neighbouring states -- as distinct from the conflict parties, Morocco and Western Sahara -- may be a nod to Morocco's depiction of the conflict as a regional confrontation with Algeria (which hosts and supports the Polisario Front) rather than primarily a dispute between Rabat and the Sahrawi group.

All this coincides with the vacancy left since Kohler unexpectedly stepped down for health reasons in May. The anomalous and unexplained delay in appointing a replacement further jeopardises prospects for continuing dialogue.

'Bolton effect'

Aside from Kohler's absence, a return to business as usual in managing the conflict can be tied to Bolton's departure. Much of the dynamism of the Geneva process and the move to six-month mandates resulted from his personal engagement.

Bolton combined an aversion to multilateralism with an unusually close knowledge of the Western Sahara dossier, having previously worked on MINURSO's initial mandate in 1991 and assisted James Baker, the UN Secretary General's personal envoy during 1997-2004, in devising two plans to end the conflict.

Bolton had been frustrated by Morocco's rejection of the second Baker Plan in 2003 (a surprise, given that it offered Rabat relatively generous terms), and blamed a lack of political will at the UN to press for a resolution.

Relieved Rabat

Bolton's ousting was a relief for Morocco, which regarded him as biased. Moroccan attempts to reverse his sympathies went as far as severing diplomatic relations with Iran in 2018 over alleged (although implausible) arms supplies to the Polisario Front (see MOROCCO: Iran cut-off aims to build Gulf, US ties - May 4, 2018).

Washington's concern with Western Sahara will probably now revert to its normal low level, which suits Rabat's short-to-medium-term interest in maintaining a status quo that entrenches its position (even if the long-term goal of recognition for its annexation of the territory remains distant).

Morocco-EU ties

Current relations with the EU also work in favour of those interests, as the EU's executive (the European Commission and Council) and member states, especially France and Spain, prioritise cooperation with Morocco on the basis of commercial considerations and combating migration (see EU: Brussels will quietly outsource migration control - July 18, 2019).

The past decade has thus seen a shift by the Polisario Front towards a new 'low politics' strategy, one component of which seeks to question of the legality of Morocco's economic exploitation of Western Sahara's resources.

This has produced several unprecedented victories. Rulings by the Court of Justice of the EU on an EU-Morocco agricultural trade agreement (2015-16) and fisheries agreement (2018) required cooperation deals to differentiate between economic activities and products originating from Morocco and Western Sahara.

The rulings provoked a major diplomatic crisis, with Rabat even announcing the suspension of all bilateral contacts in February 2016.

Since then, new agricultural trade and fisheries agreements have been signed with the Commission that again include Western Sahara in their geographical scope. They received the European Parliament's approval in early 2019, allowing for a full Morocco-EU reconciliation in June.

In a parallel development, London and Rabat last month concluded a bilateral association agreement that replicates the provisions of the existing EU-Morocco Association Agreement, ensuring continuity post-Brexit. The full text has not been published but is expected to mirror EU terms, including Western Sahara by default.

The new agreements with the EU are already in the process of legal challenges by the Polisario Front.

In particular, the impartiality of the consultation processes undertaken by EU institutions to gain the Sahrawi population's 'consent' is disputed. However, even if this legal action is successful, it will take time. Previous challenges took 3-4 years to reach a ruling.

Algerian uprising

On the regional level, the key variable affecting the conflict is the uncertainty caused by anti-government protests in Algeria, the Polisario Front's patron.

Morocco quietly hopes protests will disrupt Algerian support for the Polisario Front

Although Morocco has carefully avoided commenting, in Rabat there is undisguised hope that weakness in Algiers will disrupt the Polisario Front's international strategy and political stability in the Tindouf refugee camps in south-western Algeria, where its leadership is based.

An apparent reduction in the movement's diplomatic activism, and lobbying in Europe and the United

States since spring, when Algerian protests gathered pace, suggests this may be borne out.

With Morocco emerging stronger on all fronts, the Polisario Front is growing increasingly defensive. At its annual congress, scheduled to take place in Tindouf in December, rhetorical threats of returning to armed struggle will consequently intensify.