



## BRIEFING PAPER

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# Western Sahara

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## Summary

Western Sahara is a former Spanish colony whose status has been disputed since the Spanish left in 1975.

Morocco and Mauritania all claimed an interest in the territory, while the Polisario Front, a leftist national liberation movement, wanted independence and was backed by Algeria. Morocco took *de facto* control of most of the territory in the late 1970s, after armed conflict with Mauritania. The Polisario declared the Sahrawi Arab Democratic Republic, from its base in exile in the town of Tindouf, in Algeria.

The UN called for a referendum on the territory's future, but Morocco had encouraged immigration and the parties could not agree on who should be allowed to vote. The UN set up [MINURSO](#), to monitor the ceasefire between the parties and help the UN High Commission for Refugees deliver humanitarian assistance to the tens of thousands of refugees living in large camps near Tindouf.

There have been clashes and confrontations between Polisario fighters and Moroccan troops. Meanwhile, [NGOs say](#) that both the Moroccan authorities and the Polisario commit human rights abuses, and the World Food Programme has had to cut rations by 20% and stop distributing special supplements to pregnant and nursing women and babies, because of a funding shortfall. Landmines and unexploded ordnance are also a major problem for civilians.

An important [judgment](#) of the European Court of Justice in December 2016 means that the [Association Agreement](#) between the EU and Morocco cannot apply to Western Sahara and that inhabitants must be consulted about economic activities in the territory. In January 2017, Morocco re-joined the African Union after leaving 33 years earlier in protest at the Sahrawi Arab Republic's membership, part of a new strategy to look towards African neighbours. And high-profile statesman, Horst Köhler, was appointed as the UN Secretary General's special envoy in 2017, and the UN called for a renewed effort to find a solution. A resolution to the problem will still be difficult, however.

The UK has taken a relatively low profile in the dispute and [its policy](#) is to support the UN line in seeking "a just, lasting and mutually acceptable political solution to the situation in Western Sahara, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations."

# 1. Background

Western Sahara is a former Spanish colony situated to the south of Morocco whose future has been uncertain since decolonisation. While Spain promised to hold a referendum on the region's future, this was blocked by the United States and France, for fear of the leftist Polisario Front gaining power. In 1975, the Moroccan Government organised the Green March, when hundreds of thousands of Moroccans marched in to the territory to encourage the Spanish out. Morocco assumed *de facto* control of the territory, and armed conflict between the Polisario and the Moroccan armed forces ensued.

A ceasefire was concluded in 1991, including an agreement on holding a referendum on the future status of the territory.

Sporadic negotiations were held under UN auspices, but the participation of Moroccan settlers, who moved into the area with Moroccan Government encouragement from the 1970s onwards and who now constitute a majority, has prevented agreement on the conduct of the referendum mandated by the United Nations.

No agreement on a referendum

# 2. MINURSO and the search for a negotiated settlement

The United Nations has a mission to Western Sahara: MINURSO, mandated by [UN Security Council resolution 690 of 29 April 1991](#).



MINURSO has a peacekeeping force that monitors the *Berm* or ditch and wall that separates the Moroccan-controlled part of the territory and the largely uninhabited part controlled by the Saharawi Arab Democratic Republic (the Polisario Front).

A census to establish the basis for the referendum was planned for 2000 but abandoned due to lack of agreement on its terms.

### **Morocco offers autonomy**

In 2007, Morocco made an attempt to move negotiations forward by offering autonomy to the territory, under Moroccan sovereignty. Previously, Morocco had recognised no difference between Western Sahara and any other part of Morocco. The UN welcomed the Moroccan proposal as a serious and credible effort to move the situation forward,<sup>1</sup> but the offer remains unacceptable to the Polisario.

In 2009, Peter Van Walsum, the then UN special envoy for Western Sahara, was replaced after he angered Polisario by stating that independence was unrealistic; the move suggested some resistance in UN circles to recognising Moroccan sovereignty. His replacement was the US diplomat Christopher Ross. He described the situation as “untenable” and called for negotiations “without preconditions [and] in good faith” to find a mutually acceptable and lasting solution that would lead to self-determination for the Sahrawi people.<sup>2</sup>

Polisario angered

### **2010 violence**

In November 2010, protests erupted and turned violent, leaving several people dead, including Moroccan security officials. Moroccan forces arrested and beat several Sahrawis. It was the worst violence in Western Sahara for decades. Morocco subsequently broke up a protest camp near the city of el-Aaiun (also spelt Laayoune), the territory’s capital city.<sup>3</sup>

Shortly after the disturbances, Moroccan and Polisario met under UN auspices in New York, observed by officials from Algeria and Mauritania, to try to find a solution. The talks ended in failure, with participants only able to agree to hold further talks.<sup>4</sup> There were several attempts at reviving the process, but the Polisario complained that Moroccan officials were obstructing progress.

In 2016, the then UN Secretary General, Ban Ki Moon, used the word “occupation” during a visit to refugee camps for Western Saharans. Morocco expelled most of the MINURSO staff.

Ban Ki Moon visit

Tensions flared between Morocco and the Polisario late in 2016, when Morocco undertook road maintenance and anti-smuggling work that Rabat said did not breach the ceasefire terms, in the buffer zone around Guerguerat near the Mauritanian border.

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<sup>1</sup> [UN Security Council resolution 1871](#), 30 April 2009  
<sup>2</sup> “Status quo in W. Sahara 'untenable': UN envoy”, *Agence France Presse*, 18 October 2010  
<sup>3</sup> “Morocco breaks up protest camp”, *Daily Telegraph*, 9 November 2010  
<sup>4</sup> “Talks on Western Sahara's future run into the sand”, *Financial Times*, 28 December 2010

A tense standoff between Polisario forces and Moroccan troops persisted in the buffer zone for several weeks until, in February 2017, both sides pulled back following an appeal from António Guterres, the UN Secretary General.

The October 2016 Moroccan legislative elections, which extended to those areas of the Western Sahara controlled by Morocco, also caused friction; the Polisario described them as an “illegal and provocative act”.<sup>5</sup>

In April 2017 the UN Security Council passed [Resolution 2351](#), the annual extension of MINURSO, and called again for new negotiations to reach “a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations.”<sup>6</sup>

### 3. Plight of Sahrawis

The Secretary General’s August 2017 report highlighted a cut in food allowances for the thousands of inhabitants of the Tindouf refugee camps in Algeria. The harsh and isolated desert environment mean that the inhabitants depend largely on aid for survival. Because of underfunding, the World Food Programme cut its rations by 20% and stopped distribution of supplements to pregnant women, nursing mothers and young children to prevent anaemia.<sup>7</sup> In its report of November 2017, the WFP said that \$4 million were urgently needed to continue feeding the Sahrawi refugees for the first three months of 2018.<sup>8</sup> Spain and the US made contributions during 2017 and the EU is a significant donor.



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<sup>5</sup> [‘Question of Western Sahara: Report of the Secretary-General \(A/72/346\) \[EN/AR\]’](#), UN, 17 August 2017

<sup>6</sup> [“Security Council Extends Mandate of United Nations Mission for Refrendum in Western Sahara, Unanimously Adopting Resolution 2351 \(2017\)”](#), Security Council press release, 28 April 2017

<sup>7</sup> *Ibid.*

<sup>8</sup> [“WFP Forced To Reduce Food Rations For Western Sahara Refugees As Ramadan Approaches”](#), WFP press release, 15 May 2017

Both in the refugee camps and in the rest of Western Sahara, there are concerns about the rights of the inhabitants. Amnesty International says that both the Polisario, who run the camps at Tindouf, and the Moroccan authorities have failed to protect the rights of people under their control. Amnesty International calls for the mandate of MINURSO to be expanded to include human rights monitoring.<sup>9</sup>

### **Land mines**

Western Sahara is one of the most heavily mined territories in the world, and both sides of the *berm* are contaminated with unexploded ordinance and land mines. Local people who depend grazing their livestock near the *berm*, as well as UN personnel monitoring the ceasefire, are exposed to this risk, according to the [UN's Mine Action Service](#) (UNMAS).

## **4. New momentum?**

### **European Court of Justice judgment**

On 10 December 2016, the European General Court [ruled](#) that the EU's Association Agreement with Morocco could not cover Western Sahara. The decision meant that products like tomatoes, fish and phosphate from Western Sahara cannot be sold as Moroccan and benefit from the trade benefits set out in the Association Agreement. It would also prohibit EU development funding from being spent in the territory.

The Polisario welcomed the judgment: "The court said clearly that Western Sahara isn't part of Morocco. It is a non-autonomous territory, where Morocco is an occupying power."<sup>10</sup>

The EU judgment could strengthen the hand of the Polisario, showing that the territory's designation by the international community as 'disputed' is still relevant, despite 'facts on the ground' in Morocco's favour. The EU judgment found that such trade agreements could not be imposed without the consent of the people in the disputed territory and questioned Morocco's practice of granting foreign contracts to explore mineral resources in Western Sahara.

Even if true independence is not likely, the judgment of the ECJ means that Morocco will have to treat Western Sahara as a separate entity whose opinions must be sought, and that could provide the basis to move the negotiations forward.

### **African Union**

In January 2017, Morocco re-joined the African Union, after leaving the organisation 33 years earlier over the membership of the Sahrawi Arab Democratic Republic, the Polisario's claimed state. The SADR remains a [member state of the AU](#), and Moroccan diplomats sometimes protest at the presence of SADR/Polisario representatives. Nevertheless, the move,

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<sup>9</sup> "[UN peacekeeping force in Western Sahara must urgently monitor human rights](#)", Amnesty International press release, 18 April 2017

<sup>10</sup> "[Top court strikes down EU Western Sahara policy](#)", *EUObserver*, 23 December 2016

part of Morocco's strategy to engage with its African region, may offer hope for a resolution in Western Sahara.

### **Horst Köhler**

In summer 2017, the UN announced that Horst Köhler, former head of the IMF and former President of Germany, would become the Secretary General's new envoy. He is known as a specialist in African development, and observers hoped that such a high-profile appointment might give some momentum to the talks.

In October 2017, Horst Köhler undertook a trip in the region. After meeting King Mohammed VI in the Moroccan capital, Rabat, and visiting the refugee camps in Tindouf, he travelled to Algiers, the Algerian capital, for talks with the Algerian Prime Minister, Ahmed Ouyahia, and to Mauritania for discussions.

### **Resolution will not be easy**

Some say that real independence is not an option for the territory: the realistic options being for an autonomous region within Morocco or an Algerian satellite state. The US and France argue for autonomy within Morocco.<sup>11</sup>

Despite the renewed push from the UN for talks, the dispute remains very difficult to resolve. Morocco's authorities have staked a lot on their sovereignty over the region and even a partial climb-down would be politically difficult. Algeria recognised the Sahrawi Arab Democratic Republic in 1976 and has been at loggerheads with Morocco ever since. The border between Algeria and Morocco remains closed, stunting both economies; Algeria, too, may resist concessions to Morocco over Western Sahara.

In January 2018, António Guterres called for calm as tensions rose again in the Guerguerat area.<sup>12</sup>

## **5. UK policy**

The official British position follows the UN's: that the territory is disputed and its status is undetermined and that the Moroccan Autonomy Plan is a credible contribution to those efforts.<sup>13</sup>

In October 2017, five Members of the European Parliament were denied entry to El-Aioun, Western Sahara, by the Moroccan authorities. They were not allowed to leave the plane they arrived on, and were deported to Europe. In that context, the Government re-stated its Western Sahara policy:

**Alan Brown:** To ask the Secretary of State for Foreign and Commonwealth Affairs, if he will (a) discuss with the Moroccan Ambassador to the UK and (b) instruct the UK Ambassador in

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<sup>11</sup> ['U.S. supports Moroccan autonomy plan for Western Sahara'](#), *Reuters*, 19 March 2016

<sup>12</sup> ['Western Sahara: UN chief urges easing of tensions in Guerguerat area'](#), UN press release, 6 January 2018

<sup>13</sup> [HL Deb 26 October 2011, c171-2WA](#)

Rabat to investigate the reasons for the expulsion of five MEPs from the Non-Self-Governing Territory of Western Sahara.

**Alistair Burt:** This is primarily a matter for the European Parliament and the Moroccan authorities to resolve, although we understand that the group of Members of the European Parliament were not visiting in an official capacity. I therefore have no current plans to raise this issue with the Moroccan Ambassador. The UK's longstanding position is to support the efforts of the Secretary-General of the United Nations to achieve a just, lasting and mutually acceptable political solution to the situation in Western Sahara, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations.<sup>14</sup>

The British embassy in Rabat, Morocco, handles questions about Western Sahara.

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<sup>14</sup> [HC Written question – 111689](#), 13 November 2017

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