

The ENP and the Saharwi conflict resolution: doomed to failure?

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In the North of Africa, between Mauritania and Morocco, there lies one of the remaining non-self-governing territories whose decolonization process lingers unfinished and unresolved: the Western Sahara. After thirty years of illegal Moroccan occupation and sixteen of ceasefire, one deliberation by the International Court of Justice, several resolutions and various UN-sponsored peace plans, the exile of the Saharwi people persists as well as the denial of its self-determination in clear violation of international law. The result is a ‘state-in-waiting’ considering the possibility of the return to the armed struggle in light of the continued deadlock.

Besides being one of the long-lasting conflicts in world affairs, the Western Sahara fosters strained relations between Algeria and Morocco and has been a main impediment to Maghrebi integration and Mediterranean Basin stability, a crucial issue for the European Union (EU) from a strategic point of view. Moreover, besides “being a source of potential instability”, according to the UN’s Secretary General Personal Envoy, Peter Van Walsum, there

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is the danger of the Western Sahara becoming “a threat to international peace and security” (UN, 2006).

It is within this context that the paper is divided into four sections. Firstly, I offer a brief background of the history of the Saharwi conflict that will bring into light the factors which account for the maintenance and persistence of the dispute. Secondly, I dwell on the challenges and dilemmas facing external actors involved in conflict resolution dynamics. Thirdly, I explore the aspects that have prevented the EU from abating the conflict, regardless of its multiple initiatives including the European Neighborhood Policy (ENP). Finally, I discuss the potential role of the EU in overcoming the considerable inherent limitations and extrinsic obstacles facing the last African colony and in reaching for a definitive solution for the Western Sahara.

A stalemate conflict on the doorstep

The contemporary roots of the Western Sahara’s dispute date back to 1975. The decolonization of the former Spanish territory was neither a typical nor pacific process. Instead, it was marked by various disruptions and drawbacks which help to explain why the conflict within this territory remained unresolved for so many decades. In the early 1970s the UN exerted pressure on Spain to go ahead and speed up the decolonization process. In 1974, Madrid announced its intention to organize a referendum in its colony (following the UN recommendation), and to this end it undertook a preliminary census in August of that year. This clashed with Rabat’s expansionist territorial aspirations to see the emergence of the pre-colonial ‘Great Morocco’ which incorporated the Western Sahara.⁶¹

⁶¹ The territorial ambition of a Great Morocco was promoted by the Istiqlal party and involved taking in not only the Western Sahara, but also present day Mauritania, and much of Senegal, Mali and Algeria.

Besides those underlying historic reasons, the conflict has also been fuelled by the 'culture of looting natural resources' factor (Schnabel, 2001: 18). Moroccan interest in the Western Sahara rested on the fact that this specific territory contained one of the largest areas of high quality phosphate which can be exploited by surface mining as well as considerable and reputedly rich fishing resources along its coast (Ruf, 1986: 71).⁶² Additionally, fieldwork has been conducted confirming the existence of gas and oil reserves.

Against this background, Rabat initiated a series of measures aimed at stalling and thwarting any development potentially conducive to the independence of the area and eventually invaded the Western Sahara in 1975. Facing a policy of *fait accompli* undertaken by Rabat, without consulting the indigenous inhabitants, Spain secretly divided up the Western Sahara between Morocco and Mauritania under the Madrid tripartite agreements of 1975.

In the meantime, the Polisario Front⁶³ was established and the Arab Sahrawi Democratic Republic was created, with backing from Algeria in February 1976 — a development which led to the juridical existence to the Saharwi state. By founding the SADR while administering an émigré population Polisario inaugurated a new scenario in Africa: a state in exile fighting against an African invader. Since then a two-fold effort has been made by Polisario towards keeping the file on the Sahrawi decolonization process open while convincing the international community to recognize the SADR. The long and difficult battle that was to proceed there-

⁶² Besides the above mentioned factors there was also the geo-strategic location of the Western Sahara next to Canary Islands where a US military base (and spy satellites) was based.

⁶³ A truly representative movement of the different Sahrawi nationalist militant organisations was created on 10 May 1973, the Polisario Front (Frente Popular para la Liberación de Sanguía el Hamra y Río de Oro) an armed resistance movement against the Spanish colonizer and afterwards against Moroccan occupation.

after towards self-determination was largely ignored during the Cold War period.

Peace progress was only visible in August 1988 when both Morocco and Polisario accepted a five-year negotiated Settlement Plan. The UN and OAU called for direct negotiations but Morocco resisted due to fears that it would signal further weakness within internal political circles. Hassan II was to change his attitude the following year when an unprecedented encounter took place in Marrakesh that prompted a unilateral declaration of a cease-fire which marked the beginning of a negotiating process. On 6 September 1991, a cease-fire agreement was sealed between Polisario and the Moroccan authorities after 15 years of war and the UN sent a mission to supervise the cease fire and to prepare the referendum — the UN Mission for the Referendum in the Western Sahara (MINURSO). Since then, the MINURSO has been trying to implement the peace plan that has already known diverse strategies and approaches as well as numerous deadlocks.

More recently, in April 2007, the UN Security Council 5669 meeting unanimously extended the MINURSO mandate in the Western Sahara for a further six months and called upon the parties — Morocco and Polisario — to enter negotiations (under the auspices of the Secretary General) “without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution” (2007).

Challenges and dilemmas of external mediation

International and regional organisations are pivotal fora and active agents in conflict resolution dynamics. Such external input is required particularly in two distinct recurrent scenarios: when the parties implicated in the dispute are not able or willing to reach an agreement; or when a plebiscite or referendum cannot

be held in the disputed territory (Miall, 1992). The vital external intervention role involves cajoling the parties into the negotiating process, injecting the funds and offering support for the peace agreement to be achieved (Adejumobi, 2004). Nevertheless, whilst involved in such mediation, third parties should be aware of a number of mandatory principles which facilitate or hamper their conflict resolution efforts (Groom, 2007).

Firstly, the participation of all parties in the dispute is imperative. In the case of asymmetrical conflicts this may involve disempowering the stronger party thereby bringing all contenders down to the same level — a ‘parity of esteem’. Secondly, the focus should be on the problem rather than on the actors. Lastly, external actors should not be judgmental and directive but should act as impartial fact finders (setting the facts straight) and be supportive of the contenders to the dispute while seeking or inventing a solution which will be backed by all involved. This is pivotal since the conflict resolution involves a new relationship not based on coercion but on the satisfaction of all parties to the dispute who are fully aware of the available options (Groom, 2007). Moreover, a gradual process of resolution is recommended in complicated conflicts as a necessary means to achieving mutual communication and adjustments between the parties (Miall, 1992).

Furthermore, external intervention by either international or regional organisations in conflict resolution (which may or not involve preventive diplomacy efforts) is also vulnerable to limitations and difficulties. For instance, although conflict resolution has recently strengthened its arm in taking into the realm of the international community to intervene in cases where states default in exercising responsibility, in practice the principle of state sovereignty still endures. This is so since organizations are formed by and are subject to the states, therefore being unable to devour their creators (James, 2000: 20). Consequently, organiza-

tions tend to pursue the courses of action that their member states are willing take thus severely limiting their room for maneuver and achievements.

A further pitfall regards the fact that conflict resolution seldom involves the interests of neighboring countries as well as friendly or allied governments who side with each party. Such contingency of external intervention may result in either ‘constructive’ or ‘obstructive engagement’.⁶⁴ In other words, an external actor may fend off potential dangers and take advantage of opportunities when they occur in an attempt to gain kudos. Or, as Schnabel purports, it can accentuate the adversarial relationships since “Doing something about conflict resolution is resisted by many governments — and thus intergovernmental organisations” (2001: 25).

Against this background of being hostage of their member states, of good and bad neighbors and allies, external actors’ mediation can both ameliorate the situation and be counter-productive. Indeed, in some cases instead of extinguishing and resolving the disputes, third parties’ inconclusive intervention may dampen or freeze conflicts (Ginty, 2006: 9).

Half-hearted support and a ‘twisted’ ring of friends

The EU has defined the Maghreb as a priority both in terms of security and politico-economic since 1989. Evidence shows, however, that that this has not yet transcended the declaratory front. Following the failure of the Global Mediterranean Policy (1972) and the Renovated or Re-directed Mediterranean Policy (1989) which was incapable of resolving the socio-economic problems and

⁶⁴ The idea of obstructive engagement is hereby employed as opposed to Chester Crocker’s notion of constructive engagement which refers to the attempt to build bridges between adversaries in a dispute (Crocker et al, 1997).

lacked a politico-military dimension, an innovative approach to the Mediterranean policy was experimented by the EU. Different schemes (Security and Cooperation in the Mediterranean, 5 + 5, Mediterranean Forum) were decided upon and implemented in order to enhance the Euro-Mediterranean relations (Bishop, 2003).

A global partnership for the region, however, was only to be achieved at the Barcelona Conference in 1995 when the Euro-Mediterranean Partnership (EMP) was launched. The aim was to create a 'common area of peace and stability' which in the end turned out to be a deception because none of the area's conflicts has been resolved (Holm, 2005).

More recently, the European Neighborhood Policy (ENP), whereby a ring of friends aspired to enlarge the EU's peace and stability zone by encompassing its Eastern and Southern neighbors, has reinforced the EU's intentions towards the Mediterranean. Such a security partnership, based on a positive conditionality and using a number of economic and political incentives, should, first and foremost commit Europeans to resolving ongoing disputes and conflicts (Holm, 2005). Notwithstanding the 'new' stated objectives, it remains to be seen whether the ENP is more ingenious and effective than its predecessors. The test of time will unveil the ENP's hindrances and shortcomings.

An analysis of the Western Sahrawi dispute, in particular, reveals a continuity line in terms of the EU's approach and the durability of the difficulties faced by the organization in the conflict resolution, even under the ENP.

Overall, the EU's positioning regarding the Saharwi question over the last two decades seems to have hesitated between a compromised silence and the nominal support of the role and the efforts of the UN initiatives.⁶⁵ When compared with Israel-Palestine,

⁶⁵ The same could be said about the policies towards the Mediterranean. The 'Broader Middle East and North Africa Initiative' (BMEI), launched at the G-8

Bosnia or Cyprus issues, the EU's role has been relatively inactive or low profile in the Western Sahara. Indeed, the Saharwi conflict has been placed on the back burner by the EU authorities given the prevailing economic interest as well as geo-political and geo-strategic concerns that have been taking the upper-end to the detriment of human rights and international legal concerns.

Reproducing and translating both the content and spirit into UN General Assembly and Security Council's resolutions, the EU's official documents regard the Moroccan occupation as illegal and acknowledge the Sahrawi self-determination which may prove decisive for Western Sahara as well as for the EU's own credit. Although international law seems to have been of little use in the resolution of the Western Sahara conflict, as the East Timor case has also demonstrated, in the future it may prove to keep the unfinished issue on the agenda over the years and to set the legal boundaries. In fact, the recognition of the non-self-governing territory status of the former Spanish colony has been of great importance. Initially, it allowed the Sahrawi authorities and Polisario to pursue their lonely campaign for their common cause and it could legitimise an eventual intervention by the international community ahead.

Apart from elucidating the affair, the EU has not made a contribution in terms of bringing down all contenders down to the same level by disempowering the stronger party. This could have been achieved by improving both the Polisario and the Sahrawi Arab Democratic Republic (SADR) on the diplomatic front and acknowledging the latter instead of perpetuating the *nullius* recognition of a non-existing state — which is close to Rabat's pretensions.⁶⁶ Such a lack of parity of esteem to some

summit at Sea Island, Georgia, on 8-10 June 2004 and then expanded upon at the EU and NATO summits is a good example of the EU following the US initiative as recently as after the Iraq war (Kühnhardt, 2003).

extent accounts for the suboptimal results in the conflict resolution on the Western Sahara.

Another element of continuity regards the involvement of other international actors. On the one hand, some neighboring countries have been interested in not allowing Morocco to occupy a territory rich in resources and having a state on its border which does not recognize and has territorial ambitions in the Algerian territory.⁶⁷ On the other hand, the lack of political will from the major powers to improve the UN resolutions also persisted under the ENP. Indeed, despite the nominal support given by the Western powers to the consecutive UN sponsored peace plans and to the recurrent endeavours to hold a plebiscite in the territory, such powers (notably the US and France) have abstained from exerting pressure upon the Moroccan authorities to implement a definitive solution to the conflict.⁶⁸

The EU is also largely responsible for the half-hearted support of other external actors and its mediation potential has been limited by the partisan role played by two of its member-states: France (in favour of Morocco) and Spain (supporting Polisario). By siding with each party to the conflict, the EU has not only jeopardised the non-partisan status normally required in a mediating role but also to some extent contributed to hardening po-

⁶⁶ Both the UN and the AU have acknowledged the Polisario as a legitimate party to the dispute and have insisted upon direct dialogue and negotiations between Morocco and the Sahrawi representatives.

⁶⁷ Precisely the same festering issue of territorial claims, although in this case involving Ifni, Ceuta and Melilla has also strained the Spanish-Moroccan relationship.

⁶⁸ In 1981 both France and the USA successfully exerted some degree of pressure on Rabat to accept a 12-point plan which included among other things, the confinement of Moroccan troops, international peacekeeping and return of refugees. This episode is revealing that a different attitude would be a weapon that could exert substantial leverage over Morocco.

sitions and crippling relationships between conflicting parties. Moreover, such internal disunity is detrimental to EU's foreign policy which would be far more effective if carried out by all member states together (Cameron, 1999: 70-71).

A further pitfall regards the apparent incapacity or disinclination to use its potential to the full, notably in the case of the Western Sahara dispute. Taken into consideration that no state has yet acknowledged the Moroccan de facto ruling over the Western Sahara, there is no tension between the principles of sovereignty or internal affairs and the humanitarian intervention. Morocco is the occupying force of Western Sahara preventing a waiting-state to take office and the Sahrawi people to exercise their right of self-determination. It seems therefore to be the case of Morocco pushing aside the global system of law and order, with the condoning of most Western powers who fear the undesirable prospect of the unstable and unfriendly Morocco. Not only is this of the EU's uneasiness to move from the 'culture of non-intervention' to the 'culture of non-indifference' but it also corroborates the contradictory nature of the external actors' mediation role in conflict resolution: either a driving force towards solving the conflict or stymieing and preventing its success.

Conclusion

The status of an emerging global actor presupposes the building and following of a structured and effective foreign policy with respect to ongoing conflicts, both within its own region and in its periphery. When the EU assumed the Mediterranean as a strategic region and promoted the ENP, it brought an old conflict into its jurisdiction. The Western Sahara conflict is basically a territorial dispute also involving competition for resources and regional political power which has prevented both Maghrebi integration

and the African unity for more than 30-years. Moreover, its long-lasting stalemate constitutes a pebble in the shoe of the international community as well as a permanent latent security threat in the Mediterranean Basin. Above all, and for the purposes of this study, it represents a partial failure in the EU's curriculum and a hindrance to the ENP's success.

Despite the meritorious attempts of conflict management (more than resolution), the considerable inherent limitations and extrinsic obstacles faced by the EU in the last African colony illustrate the regional organizations' impediments to putting an end to the conflict. Mostly, the Western Sahara example reveals the huge gap between rhetoric and policy of the EU as a global player and corroborates the perpetuation of the non-interference principle which still leaves the organization hostage to the will of its member states. An aggravating factor is that the Western Sahara has been a revealing example of the lack of unity among EU members; this has contributed to the frailty of the organizations' common foreign policy which hampers the European pro-active pillar towards the conflict resolution.

Meanwhile, the peace accord and plans for the self-determination referendum in the Western Sahara are becoming almost moribund which makes the collaboration of international and regional organizations even more pressing. Ironically, the EU may still play a pivotal role in a conflict which is difficult to settle and hard to resolve. The EU, through the ENP, still has the potential to facilitate the dialogue and create a regional order of peace and stability, an atmosphere in which a lasting resolution can be found to existing regional conflicts like those of the Western Saharan. Disputes such as the Saharwi one, however, require a sophisticated and complex approach to foreign policy which promotes the EU as an engaged and constructive player instead of a passive bystander.

EU's multi-dimensional strategy has had only limited achievements until now and can at best be characterized in most cases as

a partial failure. In order to overcome this shortcoming, member states must empower the EU to make it a credible institution and to enable it to successfully confront enduring problems like the Western Saharan conflict. Indeed, if the ENP were to succeed, the EU would be able to assume itself as a convincing global actor by enhancing its common action capacity in the conflict resolution field on the world stage. Otherwise, the ENP will add up to nothing more than a re-branded prolongation of previous European initiatives for the Mediterranean, and the risk of EU being viewed as a minor global actor.

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