

A Forgotten Mission, An Unrealized Referendum: The Failure of the United Nations Mission for the Referendum in Western Sahara

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ABSTRACT

This article delves into the ongoing conflict in Western Sahara, emphasizing the recent rise in hostilities and the breakdown of the ceasefire between Morocco and the Frente POLISARIO. It analyzes the historical origins of the conflict and the establishment of the United Nations Mission for the Referendum in Western Sahara (MINURSO) in 1991. Through a comprehensive analysis of the challenges faced by MINURSO, particularly regarding voting eligibility and human rights, the article underscores the detrimental impacts of the mission's compromised impartiality, particularly focusing on the implications of the United States' biased foreign policy. In proposing policy recommendations, the article advocates for renewed UN Security Council involvement and neutrality, to reignite negotiations towards a referendum for self-determination. It warns of escalating tensions and the risk of full-scale conflict, emphasizing the importance of immediate action to maintain peace in Western Sahara and uphold the region's stability within the broader Maghreb context.

The recent events highlighted in the 2023 report of the Secretary-General on Western Sahara reflect a wider trend in increased hostilities between Morocco and the Popular Front for the Liberation of Saguia el-Hamra and Río de Oro (Frente POLISARIO). Drone strikes purportedly carried out by the Royal Moroccan Army, have resulted in civilian casualties and with them allegations of human rights violations (UNSC 2023). Additionally, the reported concentration of Moroccan vehicles and forces near their base in Bir Anzarane, along with the construction of a new airstrip 75 km away from the divisionary boundary, have raised concerns about the potential militarization and the escalation of violence in the region (UNSC 2023). These developments come after the 2020 breakdown of the ceasefire between Morocco and the Frente POLISARIO previously brokered by the United Nations, underscoring the urgency of addressing the longstanding conflict in Western Sahara.

Stemming from post-colonial tensions in North Africa, the United Nations Mission for the Referendum in Western Sahara (MINURSO) was established in 1991 with the dual objective of facilitating a free referendum for the self-determination of the territory whilst simultaneously curbing hostilities. Despite this mandate, challenges such as differing views on the referendum process and external influences from certain United Nations member states have impeded progress; particularly, the United States' use of the Western Sahara conflict as a foreign policy tool. This has set a dangerous precedent with implications for the right to self-determination that has been emulated by

other leaders including Israel's Prime Minister Benjamin Netanyahu. Indeed, the failure to support an impartial process and conduct the referendum has led to increasing frustrations amongst the belligerent parties, posing a threat to the regional stability of the Maghreb. Therefore, it is imperative that MINURSO and the UN remain neutral and take concrete, rapid actions to reconcile the parties' diverging perspectives, carry out the referendum and resolve the conflict.

This paper will underscore the urgency of the matter by first delineating the mission's origins and mandate, before analyzing the challenges it has faced – namely the US's lack of objectivity – and their impact on MINURSO's successes and failures. Based on this analysis, it will then offer a comprehensive set of recommendations to highlight future steps the mission should take towards ensuring global impartiality and fulfilling all aspects of their mandate – especially the referendum.

The Western Sahara Conflict, Mission Origins and Mandate

Before evaluating the success of the mission, one must first understand the complex interrelation of historical factors and regional players that led to the present conflict. Western Sahara, located in the Maghreb region of North Africa, is a territory that was under Spanish administration until 1976. Spain gave in to pressures exerted by UN requests for decolonization, and a guerilla insurgency by the Sahrawis – the indigenous inhabitants – who established the Frente POLISARIO in 1973 to fight for their right to self-determination (MINURSO

2017a). However, before withdrawing, Spain decided to partition the territory between Morocco and Mauritania who both also laid claims to the territory, despite a World Court conclusion that there was no “tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity” (ICJ 1975). Simultaneously, the Spanish partition of the territory ignored the claims of the local nomadic people, setting the framework for a territorial dispute between the African parties, which has continued to this day (MINURSO 2017a).

These tensions reflect the broader political landscape of the region, as evidenced by the stakeholders involved on both sides. Indeed, after Spain’s withdrawal, violent hostilities broke out amongst the three parties, with Algeria backing the Frente POLISARIO (MINURSO 2017a). The withdrawal of Mauritania’s claims to the territory in 1979 after reaching a peace agreement with POLISARIO precipitated Morocco’s annexation of the former’s lands, namely south of Dakhla, despite the protests from the POLISARIO (MINURSO 2017a). This action led to the disintegration of various regional relationships, especially that between Morocco and Algeria, threatening the stability of the region (Rachidi 2022). Having recently gained independence from its French colonizers, Algeria staunchly supported the Sahrawi people’s right to self-determination. When they witnessed this right being undermined by Morocco, they severed ties with the latter and instead began backing the Frente POLISARIO in their pursuit of independence (Rachidi 2022). It was these events, stemming from Spanish colonia-

lism, that drew the attention of international organizations.

During the escalation of hostilities between Morocco and the Frente POLISARIO, the latter declared the independence of the Saharan Arab Democratic Republic (SADR). Throughout this period, the United Nations undertook several peacekeeping efforts before ultimately creating MINURSO. Working with the Organization of African Unity (OAU), the UN visited multiple sites in the region prior to the Spanish partition. In 1975, a report was issued, expressing the desires of Spain, Morocco, and the Sahrawi people for the UN to be on the ground assisting Western Sahara in exercising their right to self-determination through a referendum (Ruiz Miguel 2022, 21). Throughout the 1980s, the OAU drafted multiple versions of a Peace Plan requesting that a conjoined peacekeeping force be established with the United Nations in Western Sahara to “ensure peace, security [...] and the conduction of the referendum” (OAU 1981; Ruiz Miguel 2022, 23). However, contrasting views between Morocco and the Frente POLISARIO over voting options for Western Sahara’s future, namely independence, autonomy or integration into Morocco, hampered the implementation of this force – a challenge which continues to undermine MINURSO to this day (Ruiz Miguel 2022, 21). Nonetheless, in 1985, the UN along with the OAU started a mission of good offices which led to Morocco’s and Frente POLISARIO’s acceptance of “the settlement proposals” in 1988. These put forward a solution in the form of “a ceasefire and the referendum without military or administrative constraints” (UNSC 1990). Later, on the 29th

of April 1991, the Security Council passed Resolution 690, authorizing the establishment of MINURSO under the settlement proposals and the Secretary General's plan for its implementation (UNSC 1991).

Along with organizing and overseeing a free referendum, the mission mandate also included a variety of peacebuilding and peacekeeping tasks. Namely, implementing and monitoring a ceasefire between the belligerent groups; overseeing the release of political detainees and prisoners of war; "repatriating refugees of Western Sahara" and reducing mine threats (MINURSO 2017b). The mission, as a traditional peacekeeping mission with some non-traditional aspects, was also responsible for identifying and registering eligible voters to participate in the referendum – a task which the Spaniards had begun before their withdrawal (MINURSO 2019). The vote was initially scheduled to take place in January of 1992, during a transition period within which the UN Special Representative of the Secretary General (SRSG) would be responsible for overseeing all referendum-related issues. However, the rift between Morocco and the Frente POLISARIO remained, leading the former to refuse to give consent for the commencement of the transitional period on the 6th of September 1991. Since then, MINURSO has executed its other tasks, overseeing the ceasefire that went into effect on that day and carrying out eligibility checks, but they have been unable to fulfill their core objective of organizing a referendum for the self-determination of the people of Western Sahara. In large part, this has been due to disagreements between the belligerent parties as to the eligi-

bility of voters, the options for self-determination within the referendum and the existence of human rights monitoring in MINURSO's mandate, which will be expounded upon further on. Moreover, these challenges, coupled with the United States' favoritism of Morocco, have undermined the mission's success by pushing a peace process supportive of American interests.

MINURSO's Successes and Failures: The Implications of Voting Eligibility, Human Rights and U.S. Impartiality

As previously stated, the central challenge to MINURSO's ability to organize the referendum for self-determination is the diverging beliefs between the POLISARIO and Morocco regarding voting eligibility and self-determination options. The former issue has been present since the beginning of the mission: MINURSO established an identification committee in 1991 to carry out eligibility checks for the referendum, however the process was paused many times throughout as parties disagreed with the eligibility criteria of three specific tribal groupings (H41, H61 and J51/52) and the appeals process (UNSC 1997). As stated by Huddleston and Zarate, "each party operated under the assumption that the outcome of the referendum was a foregone conclusion based on [...] the voter list" and therefore were unwilling to accept a list that was not favorable to them (2022, 236). Thus, when identifications were completed in 1999 and seemed to tip in favor of the Sahrawis, they were contested by Morocco, preventing the continuation of the voting process and the fulfillment of MINURSO's mandate. As for the referendum options, while the

POLISARIO is willing to accept “autonomy under Morocco” or “independence,” the Maghrebi Kingdom will only concede to “re-integration into Morocco” (Ruiz Miguel 2022, 21). Spurred by a desire for sovereignty over the territory, these contrasting views – and more importantly the unwillingness to compromise on them – have generated an impasse for the mission, for without the parties’ consent, MINURSO cannot carry out the referendum and resolve the situation.

However, these are not the only contested issues, and to understand how they have undermined negotiations toward effective solutions, one must consider another key debate – one which surrounds human rights. Since the early 2000s, the violation of human rights has been increasingly acknowledged within the MINURSO domain, primarily driven by escalating complaints from the POLISARIO regarding abuses by Morocco and the absence of a human rights mandate (Naili 2022, 56). This has led to an increase in Sahrawi opposition including the 2010 Gdeim Izik protest camp which was met with “tear gas, water cannons, batons and loudspeakers” from Moroccan forces as well as limited involvement on the UN’s part (UNSC 2012). The latter is due to Morocco “preventing the SRSR from free access to people in the territory” because of their belief that MINURSO’s mandate is not concerned with civil society matters, solely military ones (Shelley 2022, 105). The contrasting views on this issue have further challenged MINURSO’s mandate by fomenting the distance between Morocco and the Frente POLISARIO, and with it, their unwillingness to settle – or in recent years,

even simply hold talks.

Dissension over human rights violations and the wider mission have also permeated the UN Security Council, generating divisions regarding the importance and the direction of the mission itself. When the United States – the mission’s penholder – circulated a draft resolution for the renewal of the mission in late October 2023, it ignored Mozambique’s proposal to include language on a human rights component, highlighting the fact that the issue is not a priority for the Security Council (Security Council Report 2023). One could argue that this stance reflects the wider geopolitical interests of member states and a changing global dynamic in favor of Morocco, instigated by the US. The latter’s unwillingness to support the addition of a human rights mandate betrays their position of support towards the Kingdom in return for their political influence in other higher-priority areas. This is particularly evident through the US’s recognition of Morocco’s sovereignty over Western Sahara in December 2020 (the first country to do so) in exchange for Morocco’s normalization of relations with Israel (Rachidi 2022). This has blatantly undermined the mission as the penholder’s formal recognition of one party’s authority over another has removed the key component of impartiality. Additionally, it has set an example for other states to follow, further promoting an outcome which undermines the legitimacy of the principles of self-determination inherent in the mission’s mandate and the UN’s charter.

Indeed, the consequences of the United States’ foreign policy-driven approach are apparent through the actions of Guatemala, and

most recently, Israel. After the US opened its consulate in the region's capital of Dakhla in 2021, Guatemala followed suit a year later – an action which has been regarded by Moroccan authorities as “support for [their] territorial integrity and sovereignty over [their] southern provinces in Western Sahara” (Morocco World News 2022). As for Israel, Prime Minister Benjamin Netanyahu reportedly “recognize[d] the sovereignty of Morocco over the territory of Western Sahara” on July 17, 2023, in a letter addressed to King Mohammed VI (UNSC 2023). He also expressed that Israel was “positively” contemplating opening their own consulate in Dakhla (Berman 2023). Stemming from the Abraham Accords of 2020, this is the latest in a series of US-backed bilateral agreements aimed at normalizing relations between Israel and Arab states.

These events reflect the United States' pattern of favoring foreign policy-benefitting actions over the resolution of conflict – a tendency which has posed a major challenge to the fulfillment of the mission. Indeed, through both political and military means, the United States has continuously “enabled Moroccan actions in the Western Sahara” while failing to pressure them into negotiations of good faith (Huddleston and Zarate 2022, 235). When Morocco rejected the World Court's ruling and annexed the territory in 1975, for example, the US threatened to veto measures that would hold the Kingdom accountable in the UN Security Council (Huddleston and Zarate 2022, 235). The expansion of Morocco's control to 70% of the contested territory after Mauritania's withdrawal was due to American military aid (Huddleston and Zarate

2022, 236), and when James Baker, a former US Secretary and Chief of Staff who had been appointed as envoy, threatened to sanction the Kingdom under UN Chapter VII for pulling out of the unanimously agreed upon 2003 Peace Plan, the United States failed to support him (Huddleston and Zarate 2022, 241). Through these actions, the hegemon has presented a policy of favoritism towards an autonomous Western Sahara under Moroccan sovereignty. Although one must concede that policies vary by administration, with those led by Obama and Clinton at times having had periods of greater impartiality, the outcome of their influence on MINURSO has been a “purported loss of confidence in the peace process and a failure to negotiate in good faith” (Huddleston and Zarate 2022, 233). This has resulted in the stagnation of peace talks and – particularly in the last decade – further aggravated hostilities between Morocco and the POLISARIO.

Nonetheless, the mission has prevented full-out conflict from breaking out, and it would be amiss to exclude this success from the evaluation of the mandate. Up until recently, MINURSO monitored the 1991 ceasefire effectively, objectively observing and reporting on any military actions that took place, thereby promoting a peaceful environment in which the truce could thrive. This is crucial, as it has prevented the Maghreb region from devolving into war. Located at the mouth of the Mediterranean and across the continent from the highly volatile Middle East, the Maghreb has significant strategic importance, providing a relatively constant peace in the North of Africa – and MINURSO has been vital towards main-

taining that peace. However, years of stagnant negotiations have increased the frustrations of the Sahrawi people, undermining MINURSO's key achievement by pushing the POLISARIO towards military escalation to incentivize progress. In November 2020, this culminated in the group announcing the end of its "29-year ceasefire with Morocco after [they utilized force] to remove unarmed Sahrawi protests blocking a strategic road" (IISS 2021). The escalation of hostilities and the increased support it has garnered for the POLISARIO from the Sahrawi people foreshadows how the situation may devolve into full-out war if MINURSO does not take rapid action to organize the referendum and resolve the conflict.

Policy Recommendations

As aforementioned, the major hindrance to the fulfillment of the mandate rests on unsuccessful attempts at compromise between the two parties on their diverging views. This has been aggravated by the perceived favoritism of the United States towards Morocco and the indifference of other UN Member States in combating this or driving progress. It is necessary, then, for the other UN Security Council members to treat this mission with enhanced importance, especially given the recent collapse of the ceasefire and the increase in POLISARIO frustrations, as the situation is ripe for an outbreak of violence. In order to encourage the conflicting parties to negotiate the future of the territory, the UN must regain their confidence. This can only be achieved if the best interests of both parties are perceived to be taken into consideration. For that to occur, it is vital that the United

States – the penholder of the mission and thus a major stakeholder – remain impartial, which, in turn, can only be achieved if the other members exert pressure on them and the progress of the mission. Given the current events in the Middle East, the US will likely be unwilling to derecognize Morocco's sovereignty over Western Sahara, so as not to undermine their alliance with Israel. Nonetheless, they may be willing to recognize the authority of Western Sahara under the Moroccan government, which will be effective in conjunction with the Peace Plan proposal that is discussed below.

As for the referendum itself, to assuage the concerns regarding voter eligibility and voting options, it is advisable that the UN return to the agreed-upon eligibility guidelines of 1991 and Baker's 2003 Peace Plan. With the abovementioned renewed member state pressure, these can provide a strong framework for the implementation of the referendum. In fact, the Baker Plan provides solutions to many of the concerns that have been previously discussed: [it] did not require both parties' consent at each step of the process; included a provision for a referendum at the end of a four or five-year period [which] would include the option of independence [... and] the uncontested voters from the 1999 [...] UNHCR repatriation list, and all residents of the territory as of the end of 1999; and in the meantime, the territory would be governed by a Western Saharan authority, autonomous under the Moroccan government (Huddleston and Zarate 2022, 240).

At the time, it received unanimous support from the UN Security Council, failing solely because of their lack of pressure against trans-

formational revisions made by Morocco which the POLISARIO would not agree to (Huddleston and Zarate 2022, 241). However, with an increased exertion of power by the UNSC on all parties to resolve the situation, and the United States' impartiality, these plans could spearhead change by propelling them towards a vote.

In the, admittedly likely, scenario that Morocco refuses the plan, an alternate compromise-based proposal including a resolution on the question of human rights is advisable. Building off the Peace Plan, the POLISARIO would relinquish the request for human rights monitoring to be added to the mandate in return for Morocco's agreement to the addition of the "independence" option. This solution would appease a key issue for both sides while forcing them to compromise on another, thereby inciting a development in negotiations toward a referendum. US impartiality and UNSC pressure, however, are vital to the success of this recommendation, as without them, a repeat of the failed Baker negotiations will occur.

Currently, MINURSO is considered a failure as it has not been able to carry out the referendum in Western Sahara or fulfill its other mandated tasks. These recommendations aim to build off existing structures and previous breakthroughs in negotiations while targeting the mission's major pitfalls to advance the referendum process in such a way as to resolve the conflict in the Maghreb and maintain regional stability. This is important because as the years go by, confidence in the mission declines as it is perceived as increasingly trivial by UN member states. Instead of respecting the right

to self-determination, member states are more likely to exploit the issue as an instrument of foreign policy against more pressing matters, as has been illustrated by the US's actions. All the while, the list of eligible voters from 1999 becomes unusable and the frustration of the POLISARIO increases along with the propensity for full-out war. MINURSO has been able to pacify the situation for now, but it won't be able to do so forever: the heightened hostilities and breakdown of negotiations that have become commonplace in the past couple of years are proof of this. It is imperative then that the UN revises its peacekeeping approach, should it hope to maintain peace in the Maghrebi region and resolve the Western Saharan dispute.

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