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# Western Sahara

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## Summary

Since the 1970s, Morocco and the independence-seeking Popular Front for the Liberation of Saqiat al Hamra and Rio de Oro (Polisario) have vied, at times violently, for control of the Western Sahara, a former Spanish colony. In 1991, the United Nations (U.N.) arranged a cease-fire and proposed a settlement plan calling for a referendum to allow the people of the Western Sahara to choose between independence and integration into Morocco. A long deadlock on determining the electorate for a referendum ensued. (The number of Sahrawis, as the indigenous people of Western Sahara are known, is disputed and politically fraught.) The U.N. then unsuccessfully suggested alternatives to the unfulfilled settlement plan and ultimately, in 2007, called on the parties to negotiate. In April 2007, Morocco offered a plan for increased regional autonomy under Moroccan sovereignty. The Polisario, for its part, has continued to call for a referendum on independence. The current Personal Envoy of the U.N. Secretary-General on Western Sahara, Christopher Ross, a U.S. diplomat, has attempted to facilitate negotiations. However, there has been no concrete progress toward a settlement due to an apparent unwillingness on either side to compromise. The stalemate has received new international interest due to concerns over regional security threats, but a breakthrough does not appear imminent.

Morocco controls roughly 85% of the disputed territory and considers the whole area part of its sovereign territory. In line with his autonomy initiative, Morocco's King Mohammed VI has pursued policies of decentralization that he says are intended to empower residents of his Saharan provinces. The Polisario has a government in exile, the Saharawi Arab Democratic Republic (SADR), which is hosted and backed by neighboring Algeria. The Western Sahara issue has stymied Moroccan-Algerian bilateral relations, Moroccan relations with the African Union, and regional cooperation on economic and security issues.

The United States has not recognized the SADR or Moroccan sovereignty over Western Sahara. The United States supports the U.N. mediation effort, has referred to the Moroccan autonomy proposal as "serious, realistic, and credible," and has urged the parties to reach a mutually acceptable solution—an outcome that would not destabilize its ally, Morocco. The United States contributes funds, but no manpower, to the U.N. Mission for the Organization of a Referendum in the Western Sahara (MINURSO). MINURSO was initially created to organize a referendum, but its role now is to monitor the 1991 cease-fire. Human rights advocates and some international diplomats support mandating MINURSO to monitor human rights, but Morocco is adamantly opposed, and portrays such proposals as an affront to its sovereignty.

Morocco and the Polisario, and advocates on both sides, regularly appeal to Congress to support their positions. Many Members have expressed support for Morocco's position, while others support an independence referendum and/or are concerned about human rights conditions in Moroccan-administered areas. Congressional positions have been regularly expressed through provisions in foreign aid appropriations legislation and related reporting requirements. The FY2014 Consolidated Appropriations Act (P.L. 113-76, January 17, 2014) states that bilateral economic assistance appropriated for Morocco "should also be available for assistance for the territory of the Western Sahara." It has been the policy of successive Administrations that bilateral foreign assistance funds appropriated for Morocco may not be used in Western Sahara, as this could be interpreted as tacitly accepting Morocco's claim of sovereignty. See also CRS Report RS21579, *Morocco: Current Issues*, and CRS Report RS21532, *Algeria: Current Issues*.

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## Background

The territory now known as the Western Sahara became a Spanish possession in 1881. In the mid-1970s, Spain prepared to decolonize the region, intending to transform it into a closely aligned independent state after a referendum on self-determination. Morocco and Mauritania opposed Spain's plan and each claimed the territory. Although their claims were based on historic empires, the Western Sahara's valuable phosphate resources and fishing grounds also may have motivated them.<sup>1</sup> At Morocco's initiative, the U.N. General Assembly referred the question to the International Court of Justice (ICJ). However, on October 12, 1975, the ICJ found no tie of territorial sovereignty between Morocco and the Western Sahara. In response, on November 6, 1975, King Hassan II of Morocco launched a "Green March" of 350,000 unarmed civilians to the Western Sahara to claim it. Ten days later, Spain agreed to withdraw and transfer the region to joint Moroccan-Mauritanian administration.

The independence-seeking Popular Front for the Liberation of Saqiat al Hamra and Rio de Oro, or Polisario resisted the Moroccan-Mauritanian takeover. In the 1970s, a reported majority of Sahrawis (a term referring to the "indigenous" people of Western Sahara) left for refugee camps in Algeria and Mauritania.<sup>2</sup> With Algeria's support, the Polisario established its headquarters in Tindouf, in southwest Algeria, and founded the Sahrawi Arab Democratic Republic (SADR) in 1976. Mauritania could not sustain a defense against the Polisario and signed a peace treaty with it, abandoning all claims in 1979. Morocco then occupied Mauritania's sector and, in 1981, began building a "berm," or sand wall, to separate the 85% of the Western Sahara that it occupied from the Polisario and the Sahrawi refugees (see **Figure 1**). Morocco's armed forces and Polisario guerrillas fought a long war in the desert until the United Nations (U.N.) proposed a settlement plan in 1988 and arranged a cease-fire in 1991.

U.N. Security Council Resolution 690 (1991) established the United Nations Mission for the Organization of a Referendum in the Western Sahara (MINURSO) and called for a referendum to offer a choice between independence and integration into Morocco. However, over the next decade, Morocco and the Polisario differed over how to identify voters for the referendum, with each seeking to ensure an electoral roll that would support its desired outcome. In March 1997, then-U.N. Secretary-General Kofi Annan named former U.S. Secretary of State James A. Baker III as his personal envoy to break the deadlock. Baker brokered an agreement to restart voter identification, which was completed in 1999 with 86,000 voters identified. MINURSO then faced over 130,000 appeals by individuals, backed by Morocco, who were denied voter identification.

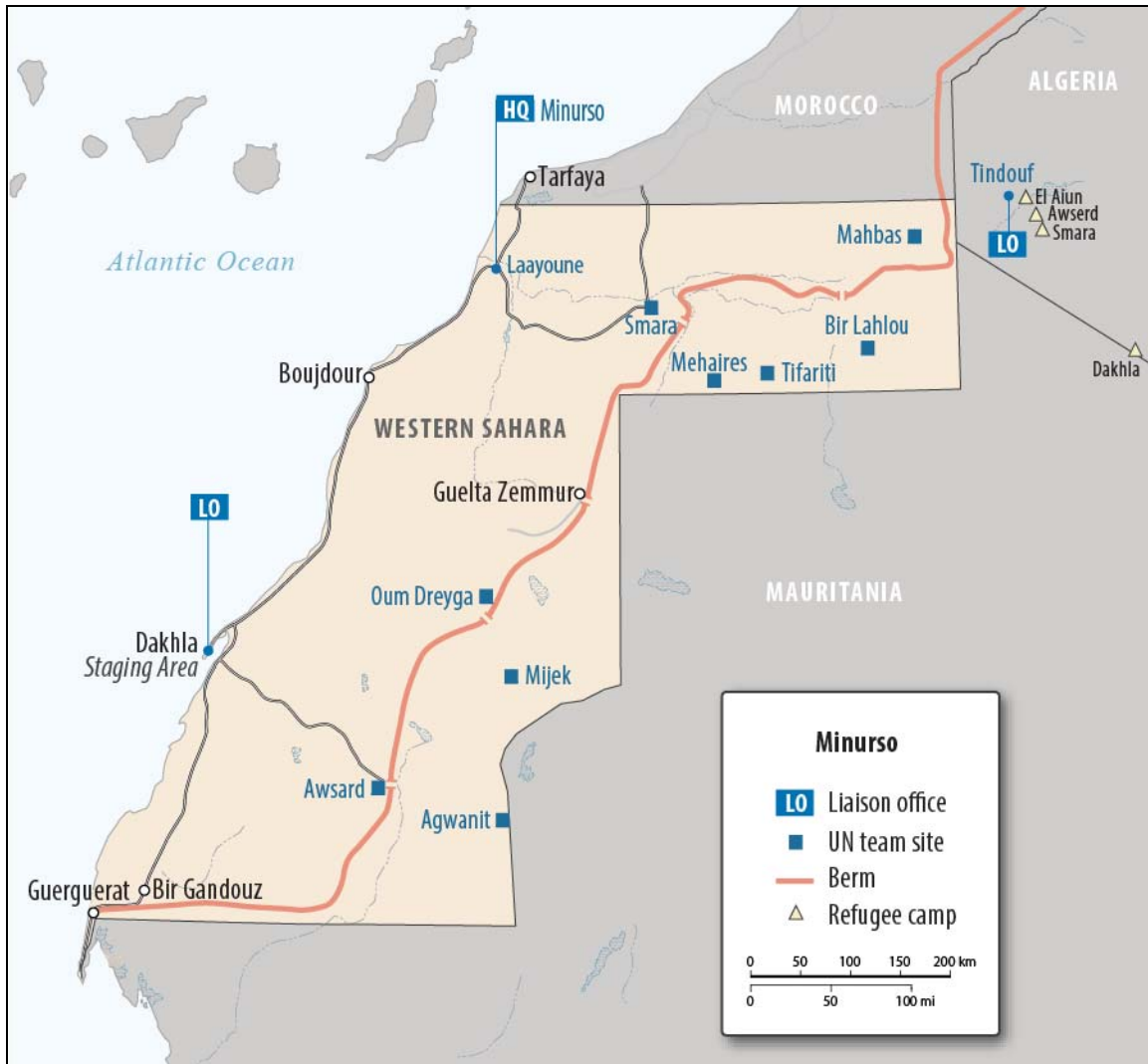
U.N. Security Council Resolution 1301 (2000) asked the parties to consider alternatives to a referendum. The U.N. concluded that processing appeals could take longer than the initial identification process and that effective implementation of the settlement plan would require the full cooperation of Morocco and the Polisario, and the support of Algeria and Mauritania.

<sup>1</sup> The possibility of oil and gas reserves (as yet unproven) off the Atlantic coast surfaced later, as discussed below.

<sup>2</sup> The number of Sahrawi refugees is disputed and politically sensitive. According to United Nations High Commissioner for Refugees (UNHCR) documents, the Algerian government estimates the number of refugees in Algeria at 165,000, while the UNHCR estimates 125,000. The refugee camps are administered by the Polisario, and Algeria has not permitted a UNHCR census. UNHCR uses a planning figure of 90,000 refugees, which responds, in part, to concerns about inflated numbers, but also is designed to capture the "most vulnerable" refugees. (See U.S. State Department, *2005 Country Reports on Human Rights Practices*, "Western Sahara"; UNHCR, *Global Appeal 2009 Update*, "Algeria"; UNHCR *Algeria Factsheet*, August 2010; and UNHCR *Algeria Factsheet*, June 2014.)

Because Morocco and the Polisario would each cooperate only with implementation that would produce its desired outcome, full cooperation would be difficult or impossible to obtain. The U.N. also stated that it lacked a mechanism to enforce the results of a referendum.

**Figure 1. Western Sahara, MINURSO, and Refugee Camp Sites**



**Source:** United Nations Peacekeeping Department of Field Support, adapted by CRS Graphics.

## The Baker Plan and Subsequent Settlement Efforts

The Secretary-General's June 2001 *Report on the Western Sahara* proposed a framework agreement to confer on the population of the Western Sahara the right to elect executive and legislative bodies and to control a local government and many functional areas. The executive would be elected by voters identified as of December 1999, that is, by an electorate favoring the Polisario and excluding Moroccan-supported appellants. Morocco would control foreign relations, national security, and defense. A referendum on final status would be held within five years, with one-year residence in the Western Sahara then the sole criterion for voting. That

electorate would favor Morocco by including “settlers” in addition to native Sahrawis.<sup>3</sup> Morocco indicated that it would accept the framework, but Algeria and the Polisario were critical, in part because it did not spell out the options for the final status of Western Sahara.<sup>4</sup> Annan hoped that the parties would negotiate changes acceptable to all. After Baker met representatives of Algeria, Mauritania, and the Polisario, however, Annan, on his and Baker’s behalf, doubted the parties’ political will to resolve the conflict and cooperate with U.N. efforts. He therefore proposed four options that would not require the parties’ consent, including a possible division of the territory or the withdrawal of the U.N. from attempting to resolve the conflict.<sup>5</sup> The Security Council could not agree on a new approach, and instead asked Baker for a new plan that would provide for the self-determination of the people of Western Sahara.

In January 2003, Baker presented a proposal, known as the Baker Peace Plan, to which he called on all interested parties to agree.<sup>6</sup> It proposed a U.N.-organized referendum in which voters would choose between integration with Morocco, autonomy, or independence. Voters would be Sahrawis on the December 1999 provisional voter list, on the U.N. Office of the High Commissioner for Refugees repatriation list as of October 2000, or continuously resident in the Western Sahara since December 30, 1999 (therefore including Moroccan settlers). The U.N. would determine the voters, without appeal. In the interim, a Western Sahara Authority would be the local government and Morocco would control foreign relations, national security, and defense.

Morocco objected, mainly questioning why the U.N. was reviving the referendum option; it also was upset by the use of the word “independence” instead of the vaguer “self-determination” to describe an option.<sup>7</sup> In April 2004, Morocco declared that it would accept only autonomy as a solution.<sup>8</sup> It called for negotiations only with Algeria, arguing that the Western Sahara is a bilateral geopolitical problem. Underlying these views was a rejection of any challenge to Morocco’s physical possession of the territory. Algeria had concluded that the Baker Plan was a “gamble” that should be taken, and the Polisario had accepted it, too, insisting on the right to choose self-determination in a referendum. Algeria declined to negotiate with Morocco, insisting that it is not a party to the dispute and not a substitute for the Sahrawis.

In June 2004, James Baker resigned as the U.N. Secretary-General’s personal envoy after Security Council Resolution 1541 seemed to express stronger support for a mutually acceptable political solution than for his peace plan.<sup>9</sup> U.N. referendum-related activities subsequently ceased, and the Baker Plan has not been mentioned in Security Council resolutions since then.

In July 2005, Annan appointed Danish diplomat Peter van Walsum as his new envoy. Van Walsum indicated that he could not draft a new plan because Morocco would only endorse one that excludes independence, while the U.N. could not endorse a plan excluding a referendum with

<sup>3</sup> U.N. Security Council, *Reports of the Secretary-General on the Situation Concerning Western Sahara*, S/2001/613, June 20, 2001, and S/2002/41, January 10, 2002.

<sup>4</sup> Anna Theofilopoulou, *The United Nations and Western Sahara: A Never-Ending Affair*, U.S. Institute of Peace, 2006.

<sup>5</sup> *Report of the Secretary-General on the Situation Concerning Western Sahara*, S/2002/178, February 19, 2002.

<sup>6</sup> The plan is in annex II of the U.N. Security Council, *Report of the Secretary-General*, S/2003/565, May 23, 2003.

<sup>7</sup> “Morocco Says ‘Nothing New’ in Algeria’s Statements on Western Sahara,” *Al-Jazeera TV*, July 17, 2003, via BBC Monitoring Middle East.

<sup>8</sup> U.N. Security Council, *Report of the Secretary-General*, S/2004/325/Add.1, April 23, 2004, “Reply of the Kingdom of Morocco to Mr. Baker’s Proposal Entitled ‘Peace Plan for the Self-Determination of Western Sahara.’”

<sup>9</sup> U.N. Security Council Resolution 1541 (2004), April 29, 2004.

independence as an option. He concluded that the remaining options were deadlock or direct negotiations. Since the former was unacceptable, he asserted, responsibility rested with the parties. Van Walsum also reported that the Western Sahara was not high on the international political agenda and that most capitals sought to continue good relations with both Morocco and Algeria. Hence, they acquiesce in the impasse.<sup>10</sup>

Security Council Resolution 1754 (2007) called on Morocco and the Polisario to negotiate without preconditions on a political solution that would provide for the self-determination of the people of the Western Sahara. In 2007 and 2008, the two sides met and held consultations with Van Walsum four times at Manhasset, NY, but neither was willing to discuss the other's proposals—that is, Morocco's for autonomy and the Polisario's for a referendum. Algeria, Mauritania, and other interested countries were present. In April 2008, Van Walsum stated that “an independent Western Sahara is not a realistic proposition,” prompting the Polisario to accuse him of bias in favor of Morocco, call for his replacement, and refuse to return to negotiations. Secretary-General Ban Ki-moon did not reappoint van Walsum in August 2008.

## Moroccan and Algerian Views

Almost since independence (1956 for Morocco, 1962 for Algeria), Morocco and Algeria have competed for regional preeminence, and the Western Sahara is a focus for that contest. The neighbors are rivals with different decolonization histories and political systems. Algeria emerged from a bloody anti-colonial revolution against France with a leftist orientation, while the centuries-old Moroccan monarchy survived relatively intact from a much less violent struggle.

The Western Sahara issue has tended to unify Moroccans and reinforce support for the monarchy. King Mohammed VI has strongly reasserted Morocco's claim to Western Sahara since he ascended to the throne in July 1999. Although the territory may be a financial liability due to the cost of Moroccan infrastructure investments and reported financial benefits provided to Moroccan settlers, its known and potential resources may be a long-term economic boon. Beyond their insistence on territorial integrity, Moroccan authorities also see the Western Sahara as a check on Algeria's regional ambitions being pursued via what they consider to be Polisario surrogates. In April 2001, the king suggested decentralization as the best option for the Sahara and, in November 2002, he declared that any political solution must respect Morocco's territorial integrity.<sup>11</sup> Morocco has poured investment into the region, seemingly in an effort to reinforce its claim to sovereignty. On April 11, 2007, Morocco presented an autonomy plan for the Western Sahara under Moroccan sovereignty, without the prospect of independence, for negotiation to the U.N. Secretary-General.<sup>12</sup> In July 2011, Morocco adopted a new constitution via referendum; the king has stated that the document's broad provisions on government decentralization and regional development constitute the basis for a just resolution of the Western Sahara issue.<sup>13</sup>

<sup>10</sup> U.N. Security Council, *Report of the Secretary-General*, S/2006/249, April 19, 2006.

<sup>11</sup> Reuters, “Moroccan King Buries W. Sahara Referendum Idea,” November 7, 2002.

<sup>12</sup> See <http://www.maec.gov.ma/>. The Polisario says it, too, had presented a proposal to the U.N. on April 7, 2007, calling on the U.N. to organize a referendum to allow the Sahrawi to choose among three options: independence, merger with Morocco, or autonomy. If they chose independence, then the Polisario offered to negotiate with Morocco to ensure its economic and security interests and deal with the issue of what the Front refers to as Moroccan “settlers.” “Polisario Front Head Favours Dialogue with Morocco, Denies Al-Qa’idah Presence,” Al-Jazeera TV, December 12, 2008, via BBC Monitoring Middle East.

<sup>13</sup> Arab Press (MAP), “HM the King addresses the nation on 36<sup>th</sup> anniversary of Green March,” November 7, 2011.

Algeria's President Abdelaziz Bouteflika, in office since 1999, is a former activist in the Algerian revolution against French colonial rule. He and his countrymen see the Western Sahara as one of the world's last decolonization campaigns. If the Polisario won control of the region, Algeria would also benefit by gaining access to the Atlantic Ocean. Should the issue simply simmer, it is still a low-cost way to keep Morocco militarily bogged down and diplomatically isolated in parts of Africa. While insisting that it is not a party to the conflict, Algeria has unwaveringly supported the Polisario's independence claims. With its strong ties in Sub-Saharan Africa, Algiers may be partially responsible for the SADR's African Union (AU) membership and for many African governments' recognition of the SADR. (Some Latin American governments also have recognized it.) Morocco suspended its membership in the Organization for African Unity (OAU), the AU's predecessor, in 1984, over the OAU's recognition of the SADR. Morocco is therefore the only state on the continent not to be an AU member.

## Recent Developments

A U.S. senior career diplomat, Ambassador Christopher Ross, has served as the Personal Envoy of U.N. Secretary-General Ban Ki-moon on the Western Sahara since 2009. Ross initially suggested that the parties hold small, informal preparatory meetings for full talks. However, several rounds convened by Ross did not deliver any progress. In March 2012, Ross stated that "each party continued to reject the proposal of the other as the sole basis for future negotiations, while reiterating their willingness to work together to reach a solution."<sup>14</sup> In May 2012, Morocco announced it was withdrawing confidence in Ross, accusing him of giving "biased and unbalanced guidance."<sup>15</sup> While this initially appeared to threaten Ross's tenure, U.N. Secretary-General Ban Ki-moon publicly reaffirmed his support for Ross, who has remained in his position. Moroccan officials continue to privately critique MINURSO and its personnel as biased.

Ross made his first visit to Moroccan-administered Western Sahara in late 2012 as part of a regional tour. He then announced that he was stopping informal talks in favor of "a new approach to move the negotiating process beyond the current stalemate,"<sup>16</sup> which would focus on preparing for "shuttle diplomacy" between Morocco and the Polisario. Ross has also called for the expansion of U.N. High Commissioner for Refugees (UNHCR)-supported "confidence-building measures," such as family visits and phone communications between Western Sahara residents and the refugees. U.N. humanitarian family visit flights resumed in April 2014 after a hiatus.

MINURSO continues to operate in a challenging political and security environment. The mission regularly reports violations of the cease-fire accord. According to the U.N. Secretary-General's April 2014 report to the Security Council,<sup>17</sup> such violations "do not jeopardize [the cease-fire] in the medium term," but "they have resulted in a gradual shift in the military balance between the parties over the years," apparently in favor of Morocco. While advocating the extension of MINURSO's mandate, the report states that, given the increase in the military build-up on the

<sup>14</sup> Reuters, "Still No Breakthrough in Western Sahara Talks," March 13, 2012.

<sup>15</sup> The precise grounds for this statement were unclear, but came after a U.N. report that criticized human rights conditions in Moroccan-administered territory and Moroccan violations of the cease-fire agreement, and suggested that Morocco may have intercepted communications between MINURSO and the U.N. headquarters in New York. See *Report of the Secretary-General on the situation concerning Western Sahara*, April 5, 2012, U.N. doc. S/2012/187.

<sup>16</sup> *Report of the Secretary-General on the situation concerning Western Sahara*, April 8, 2013, U.N. doc. S/2013/220.

<sup>17</sup> *Report of the Secretary-General on the Situation Concerning Western Sahara*, April 10, 2014, U.N. doc. S/2014/258.



Moroccan side of the berm, MINURSO's operational effectiveness "is being compromised by a shortage of military personnel." Mission personnel operating east of the berm, meanwhile, are "exposed" to terrorist threats emanating from neighboring regions. MINURSO's budget, to which the United States contributes (see below), has decreased slightly in recent years, from \$65.4 million (July 2011-June 2012) to \$58.1 million (July 2014-June 2015). In April 2014, the U.N. Security Council raised MINURSO's troop ceiling by 15 military observers, noting that it was supporting the Secretary-General's request for the increase "within existing resources."

## Human Rights Issues

Human rights advocates, along with Polisario activists, have expressed concerns regarding freedom of expression, association, and assembly in Moroccan-administered Western Sahara.<sup>18</sup> Within these areas and in Morocco, direct criticism of the king and expressions of support for the independence of Western Sahara are not tolerated. The State Department's most recent human rights report on Western Sahara notes "government restrictions on the civil liberties and political rights of pro-independence advocates," along with "the use of arbitrary and prolonged detention to quell dissent; and physical and verbal abuse of detainees during arrest and imprisonment."<sup>19</sup> Moroccan security forces reportedly use disproportionate force to break up periodic protests by Sahrawis. Morocco also occasionally expels or denies entry to foreign visitors whom it deems to be overly sympathetic to the Polisario, and it maintains de facto restrictions on the ability of pro-independence civil society groups to register with the government and function legally. The U.S.-based organization Human Rights Watch and the U.N. Special Rapporteur on Torture have reported on evidence that torture and other forms of ill treatment are sometimes used to extract "confessions" from Sahrawi prisoners.<sup>20</sup>

In his 2014 report, the U.N. Secretary-General noted some "positive developments" on human rights, including expanded activities by Morocco's quasi-official National Human Rights Council, the initiation of judicial reforms, and increased visits by international representatives and observers.<sup>21</sup> King Mohammed VI has also made efforts to publicly account for severe human rights abuses committed in the territory under the rule of his father, King Hassan II, and to compensate victims, through a 2004 Equity and Reconciliation Commission.<sup>22</sup>

Rights advocates, along with Moroccan officials, have also expressed concern over freedom of expression and movement in the Polisario-administered refugee camps in Tindouf, Algeria.<sup>23</sup>

<sup>18</sup> See, e.g., Human Rights Watch (HRW), *Human Rights in Western Sahara and in the Tindouf Refugee Camps*, December 19, 2008. Morocco has rejected and disputed elements of HRW reports.

<sup>19</sup> *2013 Country Reports on Human Rights Practices*, "Western Sahara."

<sup>20</sup> *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Mission to Morocco, February 28, 2013, U.N. doc. A/HRC/22/53/Add.2; and HRW, "Morocco/Western Sahara: Fair Trials Elusive," September 9, 2014.

<sup>21</sup> U.N. doc. S/2014/258, op. cit.

<sup>22</sup> Human rights advocates, while welcoming the Commission as an important precedent in the Arab world, contend that some of the its recommendations related to enhancing the rule of law have not been implemented, that senior officials accused of serious abuses should have been prosecuted, and that abuses in Western Sahara received insufficient attention. See Amnesty International, *Broken Promises: The Equity and Reconciliation Commission and Its Follow-Up*, January 2010.

<sup>23</sup> With regard to the refugee camps, the 2008 HRW report concluded that "at the present time, the Polisario effectively marginalizes those who directly challenge its leadership or general political orientation, but it does not imprison them. (continued...)"

Perhaps due to the logistical difficulties of accessing the camps, there are few recent independent, detailed reports on conditions there. In March 2014, the Polisario established a Sahrawi Committee for Human Rights, but it appears to have reported mainly on issues within the Moroccan-administered territory to date.

The U.N. Secretary-General has called for “the sustained, independent and impartial monitoring of human rights” in both Moroccan-administered areas and the refugee camps. The Polisario, along with human rights advocates and some diplomats, has called for the U.N. Security Council to add human rights monitoring to MINURSO’s mandate. Morocco, backed by its ally France (a veto-capable U.N. Security Council member), strongly opposes such a role for MINURSO. In 2013, U.S. officials reportedly proposed adding human rights monitoring to MINURSO’s mandate, sparking high-level backlash from Morocco (see below). MINURSO’s current mandate “stress[es] the importance of improving the human rights situation in Western Sahara and the Tindouf camps, and encourag[es] the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights.”

## Security Concerns

Concerns over terrorism and insecurity in the region surrounding Western Sahara have escalated with the spike in regional arms and combatant flows after the fall of the Qadhafi regime in Libya; the Mali crisis in 2012; and violent attacks on U.S. facilities and personnel in Libya, Tunisia, and Algeria in 2012-2013.<sup>24</sup> Generally, a complex array of violent extremist groups have emerged in the region and appear to be pursuing varied aims. In October 2011, three European aid workers were kidnapped from the Polisario-administered refugee camps in Tindouf, Algeria. A splinter faction of the regional terrorist and criminal network Al Qaeda in the Islamic Maghreb (AQIM), known as the Movement for Unity and Jihad in West Africa (MUJWA), claimed responsibility.<sup>25</sup>

Some analysts report that AQIM and associated groups are working to expand their recruitment and involvement in smuggling operations in the Sahrawi refugee camps.<sup>26</sup> Several individuals of Sahrawi descent were/are active in MUJWA, although this does not necessarily mean that they are from Western Sahara, or that they joined MUJWA there or in Tindouf.<sup>27</sup> Moroccan officials and some analysts regularly cite fears that an independent Western Sahara would be a weak state vulnerable to terrorist and criminal infiltration; some contend that the Polisario itself has links to AQIM.<sup>28</sup> The Polisario disputes this characterization, and has, for its part, accused the Moroccan

(...continued)

It allows residents to criticize its day-to-day administration of camp affairs. In practice, camp residents are able to leave the camps, via Mauritania, if they wish to do so. However, fear and social pressure keeps those who plan to resettle in Western Sahara from disclosing their plans before leaving.”

<sup>24</sup> The attack in southeastern Algeria in January 2013 was carried out by another AQIM splinter faction that subsequently merged with MUJWA to form a group called Al Murabitoun.

<sup>25</sup> The hostages were subsequently released, reportedly in exchange for European ransom payments and the release of several militants from prison in Mauritania.

<sup>26</sup> See, e.g., Anouar Boukhars, *Simmering Discontent in the Western Sahara*, Carnegie Endowment, March 2012; and David Conrad, “Nowhere Land,” *Foreign Policy*, June 26, 2014. U.N. Envoy Ross alluded to this risk in a 2012 interview; see U.N. News, Interview with Christopher Ross, January 2012.

<sup>27</sup> See, e.g., Navanti Group, Native Prospector West Bridge, *MUJWA Foreign Fighters in Gao, Mali*, April 9, 2013; and Andrew Lebovich, “What to Make of Foreign Fighters in Mali,” *The Wasat*, October 30, 2012.

<sup>28</sup> See, e.g., Joseph K. Grieboski, “Congress Should Investigate Polisario’s Terrorism Ties,” *Roll Call*, April 4, 2013.

security services of supporting terrorist and criminal networks.<sup>29</sup> In April 2012, then-State Department Coordinator for Counterterrorism Daniel Benjamin testified before Congress, in response to a question on this topic, “I’ve seen reports of al-Qaeda involvement in Polisario camps and whenever we have dug deeper we have found that those reports were spurious.”<sup>30</sup>

## United States Policy

The United States has recognized neither Moroccan sovereignty over Western Sahara nor the SADR. As a permanent, veto-capable member of the U.N. Security Council, the United States supported the U.N. settlement plan and the Baker Plan. In 2003, President George W. Bush expressed understanding of “the Moroccan people’s sensitivity over the Sahara issue” and said that the United States did not seek to impose a solution.<sup>31</sup> Then-U.S. Under Secretary of State Nicholas Burns described Morocco’s 2007 autonomy plan as “a serious and credible proposal,” and the State Department in 2008 urged the parties to focus on the possibility of establishing a mutually acceptable autonomy regime in their negotiations.<sup>32</sup> In November 2009, during a visit to Morocco, then-Secretary of State Hillary Clinton stated that there had been “no change” in U.S. policy on Western Sahara—that is, that the United States supported the U.N.-led mediation effort and would not stake out positions about how U.N. mediation might best resolve the issue.<sup>33</sup>

In an appearance in 2011 with then-Moroccan Foreign Minister Fassi Fihri, Clinton referred to Morocco’s autonomy plan as “serious, realistic, and credible—a potential approach to satisfy the aspirations of the people in the Western Sahara to run their own affairs in peace and dignity.”<sup>34</sup> She also reiterated U.S. support for the U.N.-backed talks aimed at “resolving this issue.” In public remarks with Algerian Foreign Minister Mourad Medelci in January 2012, Clinton stated, “We continue to support efforts to find a peaceful, sustainable, mutually agreed upon solution to the conflict. We support the negotiations carried out by the United Nations, and we encourage all parties, including Algeria, to play an active role in trying to move toward a resolution.”<sup>35</sup>

Former Secretary Clinton’s 2011 phrasing regarding the autonomy plan was again used in a joint U.S.-Morocco statement released during the first session of the U.S.-Morocco Strategic Dialogue in Washington, DC, in October 2012; in a joint statement following President Obama’s meeting with King Mohammed VI at the White House in November 2013; and during the second session of the Strategic Dialogue in Morocco in April 2014.<sup>36</sup>

<sup>29</sup> *El Watan* [Algiers], “Selon le ministre des Affaires étrangères sahraoui: Le Maroc derrière le kidnapping des diplomates algériens,” March 27, 2013.

<sup>30</sup> House Foreign Affairs Committee hearing on Instability in Africa, April 25, 2012.

<sup>31</sup> Message by President Bush to King Mohammed VI, MAP, via BBC Monitoring Middle East, December 3, 2003.

<sup>32</sup> “‘Serious and Credible,’ in Washington’s Own Words,” <http://www.autonomyplan.org>—which appears to be an official Moroccan government website; State Department press briefing, response to question, May 2, 2008.

<sup>33</sup> Voice of America, “Clinton Stands By UN Mediation for Western Sahara,” November 6, 2009.

<sup>34</sup> Remarks with then-Moroccan Foreign Minister Taieb Fassi Fihri, March 23, 2011.

<sup>35</sup> Remarks with then-Algerian Foreign Minister Mourad Medelci, January 12, 2012.

<sup>36</sup> State Department, “Joint Statement of the First Session of the U.S.-Kingdom of Morocco Strategic Dialogue,” October 2012; White House, “Joint Statement by the United States of America and the Kingdom of Morocco,” November 22, 2013; and State Department, “Joint Statement of the Second Session of the United States - Kingdom of Morocco Strategic Dialogue,” April 4, 2014.

U.S. statements on the Western Sahara issue may be viewed in the context of valued U.S.-Moroccan relations. U.S. officials view Morocco as a key regional ally, counterterrorism partner, constructive player in Middle East policy, and leader in Arab efforts to reform and democratize. U.S. officials would prefer a solution to the Western Sahara dispute that would not destabilize Mohammed VI's rule or negatively affect U.S.-Moroccan security cooperation. At the same time, successive Administrations have sought to avoid antagonizing Algeria, in part by emphasizing the U.N.-led process. They also appear to believe that a settlement could enhance regional stability and economic prosperity.

## Support for U.N. Peacekeeping Operation (MINURSO)

U.S. officials appear to agree with the U.N. view that MINURSO has effectively maintained the cease-fire and should therefore be continued. The U.N. Security Council most recently reauthorized MINURSO on April 29, 2014, for one year, under U.N. Security Council Resolution 2152 (2014). The Resolution increased MINURSO's troop ceiling by 15 military observers, to a total authorized level of 237 military personnel and six police officers, an increase which the U.S. delegation supported. As of August 2014, the mission had not reached its authorized troop levels; it comprised 209 military personnel (27 troops and 182 military observers), and four police officers, in addition to civilian personnel.

The United States does not currently contribute uniformed personnel to MINURSO, but does provide funding for the mission under the U.N. system of assessed contributions. The United States is contributing an estimated \$15.9 million for MINURSO in funds appropriated in FY2014 via the State Department's Contributions to International Peacekeeping Activities (CIPA) account.<sup>37</sup> The Obama Administration has requested \$17.5 million for MINURSO in FY2015.<sup>38</sup>

In April 2013, as MINURSO's mandate renewal was under discussion at the U.N. Security Council, U.S. diplomats reportedly expressed support for adding human rights monitoring to MINURSO's mandate, although U.S. officials never made a public statement to this effect. In response, Morocco suspended a major annual bilateral military exercise and initiated a multi-country diplomatic effort to quash the motion. In the end, human rights monitoring was not added to the operation's mandate. No such proposal appears to have been made by the U.S. delegation during deliberations over MINURSO's most recent mandate renewal, in April 2014.

## Congressional Activities

Many Members of Congress have endorsed Morocco's autonomy initiative. Others support a referendum and/or are concerned about human rights in Moroccan-administered areas of the territory. Congressional positions have been regularly expressed through provisions in foreign aid appropriations legislation and related reporting requirements:

- **Implementation of Morocco aid in Western Sahara.** The FY2014 Consolidated Appropriations Act (P.L. 113-76, January 17, 2014) states that bilateral economic assistance appropriated for Morocco "should also be available

<sup>37</sup> The application of U.N. funding "credits" is expected to bring the total U.S. contribution in FY2014 to \$16.7 million. State Department congressional notification, August 14, 2014.

<sup>38</sup> State Department, FY2015 *Congressional Budget Justification*—Department of State Operations.

for assistance for the territory of the Western Sahara.”<sup>39</sup> This provision was carried forward into FY2015 via a continuing resolution. It has been the policy of successive Administrations that funds appropriated for bilateral foreign assistance to Morocco may not be programmed in Western Sahara, as this could represent a tacit acknowledgment of Moroccan sovereignty.

- **Reporting on human rights conditions.** The appropriators’ explanatory statement accompanying the FY2014 Consolidated Appropriations Act (P.L. 113-76) carries over a reporting requirement accompanying the Senate version of the act (S.Rept. 113-81 on S. 1372) that directed the Secretary of State to “update” a report required in FY2012 on the government of Morocco’s respect for human rights in Western Sahara.<sup>40</sup> According to S.Rept. 113-81, the update should include “steps taken during the previous 12 months by the Government of Morocco to release political prisoners and support a human rights monitoring and reporting role for the U.N. Mission in Western Sahara in cooperation with the Office of the U.N. High Commissioner for Human Rights.”<sup>41</sup>

In August 2004, following “quiet and intense diplomatic efforts among the United States, Morocco, and Algeria,” then-Senator Richard Lugar helped negotiate the release of 404 Moroccan prisoners of war who had been held for decades by the Polisario.<sup>42</sup>

## Outlook

To date, U.N. envoy Ross’s efforts at shuttle diplomacy have not broken the stalemate. In his April 2014 report, the U.N. Secretary-General argued that “if ... no progress occurs before April 2015, the time will have come to engage the members of the [Security] Council in a comprehensive review of the framework that it provided for the negotiating process in April 2007.”<sup>43</sup> In 2013, the U.N. Secretary-General had reported to the Security Council that “the rise of instability and insecurity in and around the Sahel requires an urgent settlement of this long-standing dispute,” and urged the international community to address the situation in Western Sahara “as part of a broader strategy for the Sahel.”<sup>44</sup> However, these broader regional problems

<sup>39</sup> Previously, the conference report on the FY2012 Consolidated Appropriations Act (P.L. 112-74) stated that “funds provided in title III of this Act [bilateral economic assistance] for Morocco may be used in regions and territories administered by Morocco. The conferees remain concerned with resolving the dispute over the Western Sahara and urge the Department of State to prioritize a negotiated settlement.”

<sup>40</sup> The explanatory statement states that federal executive branch departments “shall comply with the directives, reporting requirements, and allocations contained in” S.Rept. 113-81 “unless specifically directed to the contrary.”

<sup>41</sup> The FY2012 Consolidated Appropriations Act (P.L. 112-74, December 23, 2011) states that, prior to the obligation of Foreign Military Financing (FMF) funds for Morocco, “the Secretary of State shall submit a report to the Committees on Appropriations on steps being taken by the Government of Morocco to (1) respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document violations of human rights; and (2) provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.” Similar reporting requirements were included in the conference report on the FY2010 Consolidated Appropriations Act (P.L. 111-117), in an explanatory statement accompanying the FY2009 Omnibus Appropriations Act (P.L. 111-8), and in the FY2008 Consolidated Appropriations Act (P.L. 110-161).

<sup>42</sup> White House, “U.S. Senator in Algeria Secures Release of Moroccan Prisoners,” August 18, 2005.

<sup>43</sup> U.N. doc. S/2014/258, op. cit.

<sup>44</sup> *Report of the Secretary-General on the situation concerning Western Sahara*, April 8, 2013, U.N. doc. S/2013/220. The Sahel region is centered on the band of territory immediately south of the Sahara desert, including the states of (continued...)

have not made the sides more flexible in their respective positions. The Polisario continues to insist on self-determination through a referendum, while Morocco will not bend on its proposal for autonomy under Moroccan sovereignty. Some Sahrawis reportedly feel trapped between the two sides, indicating that neither represents their interests.<sup>45</sup> The degree of international leverage is uncertain. Indeed, the specter of regional instability may have made U.S. officials and others “more reluctant than ever to take risks” regarding settlement efforts.<sup>46</sup>

The U.N. Secretary-General reported in April 2014 that “the cease-fire continues to hold and the people can live without fear of a resumption of armed conflict in the medium term.”<sup>47</sup> The Polisario periodically threatens a return to armed struggle, but it appears unable to resume a military campaign without the aid and presumably the permission of Algeria, which are not expected—despite enduringly poor Morocco-Algeria relations. Some of the Polisario’s threats may be only rhetoric to enable entrenched leaders to appease restive young militants. In any case, the Polisario would appear to be vastly outmatched by the 180,000-person Moroccan army, much of which is reportedly deployed in Western Sahara.<sup>48</sup> The Polisario has encouraged pro-independence protests against Morocco, but it has not resorted to terrorism that would cost it sympathy abroad, and denies all allegations that it has links to terrorist groups. In mid-2014, news reports indicated that the Polisario was facing a splinter movement challenging its leadership of the independence struggle, but these reports and their significance are difficult to assess.

For its part, Morocco continues to insist that its autonomy proposal is the only basis for a solution. Morocco cites its extensive investments in the region, its stated commitment to governance reforms, and the fact that Sahrawis serve in official positions, as proof that its proposal represents the best prospect for the self-determination of the region’s inhabitants. Between December 2012 and October 2013, Morocco’s Economic, Social, and Environmental Council (CESE)—a state-supported body—issued a series of reports proposing a new development model for the territory that would focus on sustainability, participatory democracy, and social cohesion. These reports are designed to inform what King Mohammed VI has portrayed as a broader process of decentralization or “regionalization” that he says will empower residents of his “southern provinces” as well as other Moroccans.<sup>49</sup> The modalities of implementation remain to be seen.

International investor interest in the territory has increased over the past decade, amid ongoing offshore oil exploration by U.S. and French companies that have signed agreements with Morocco. The European Union also has a fishing agreement with Morocco that includes access to

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Mauritania, Mali, Niger, and Chad.

<sup>45</sup> U.N. doc. S/2014/258, op. cit.

<sup>46</sup> Jacob Mundy, “Waiting for Disruption,” *World Politics Review*, September 16, 2014.

<sup>47</sup> U.N. doc. S/2014/258, op. cit.

<sup>48</sup> IHS Jane’s World Armies, “Morocco,” updated May 19, 2014.

<sup>49</sup> The first CESE report provided a detailed critique of Moroccan socio-economic development programs in Western Sahara up to that point, stating that despite Moroccan state investment in infrastructure and socio-economic development, high youth and female unemployment and ongoing social tensions were “real problems,” and that one could question “the pertinence, effectiveness, efficiency, and impact of public policies” to date. Kingdom of Morocco, Conseil Economique, Social et Environnemental, *Modèle de développement régional pour les provinces du Sud: Note de cadrage*, December 2012. Moroccan government support for the settler population has reportedly contributed to tensions along ethnic and political lines. See Boukhars, *Simmering Discontent in the Western Sahara*, op. cit.; and Driss Bennani, “Sahara. La bombe à retardement,” *TelQuel*, November 2011.

waters offshore Western Sahara. The Polisario adamantly opposes natural resource extraction agreements between private firms and the Moroccan state, and has concluded its own offshore agreements with other oil companies. The status of the territory under international law has complicated investor operations.<sup>50</sup> If oil is found, it could conceivably heighten the stakes of the conflict for both parties.

UNHCR, the World Food Program, and international humanitarian organizations—funded by donors, including the United States—provide aid to the Sahrawi refugees in Tindouf. The camps are administered by the Polisario, and Algeria has not permitted UNHCR to conduct a census of their inhabitants. This has led some observers to conclude that the total number of refugees may be lower than reported, and that the Polisario may divert aid or use it as leverage to control the refugee population.<sup>51</sup> As noted, there are few independent reports on conditions in the camps, and the number of refugees is disputed. Socioeconomic hardships have reportedly contributed to “some degree of dissatisfaction” among the refugees, particularly the youth.<sup>52</sup>

As long as the Western Sahara issue is unresolved, relations between Morocco and Algeria are unlikely to be fully normalized. The border between the two countries has been closed by Algeria since 1994. The Western Sahara dispute is among the factors rendering the Arab Maghreb Union, of which both Morocco and Algeria are members, largely inactive.<sup>53</sup>

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<sup>50</sup> In 2002, the U.N. Legal Counsel, in response to a query from the Security Council on the legality of contracts concluded by Morocco offshore Western Sahara, concluded that such activities are illegal “if conducted in disregard of the needs and interests of the people” of the “Non-Self-Governing Territory,” that is, Western Sahara. (*Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council*, February 12, 2002, U.N. doc. S/2002/161.) This determination is not readily enforceable, but has affected the calculations of private companies seeking to operate in the area. Moroccan officials and some private firms assert that current resource extraction deals include provisions that uphold the needs and interests of locals. On current resource management, see Kristen Chick, “In Remote Western Sahara, Prized Phosphate Drives Controversial Investments,” *Christian Science Monitor*, January 24, 2013; and Reuters, “Norway Wealth Fund Examining Total’s Ethics in W.Sahara,” March 12, 2004, among others.

<sup>51</sup> See U.S. Committee for Refugees and Immigrants, *Stonewalling on Refugee Rights: Algeria and the Sahrawi*, 2009. U.N. Security Council resolutions have repeatedly requested “consideration” of refugee registration in the Tindouf camps; see, most recently, S/Res/2152 (2014).

<sup>52</sup> U.N. doc. S/2014/258, op. cit.

<sup>53</sup> The Arab Maghreb Union, founded in 1989, includes Algeria, Morocco, Tunisia, Libya, and Mauritania.