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Relaunching Negotiations over Western Sahara

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Principal Findings

What's new? Fighting between Morocco and the pro-independence Polisario Front over the disputed territory of Western Sahara flared up again in November 2020. External powers are divided and reluctant to step in, while the UN succeeded in filling its long-vacant envoy position only in October 2021.

Why does it matter? Diplomatic inattention risks pushing the two sides toward further military escalation. Tensions also threaten to spill over into the rest of North Africa and beyond, as highlighted by diplomatic spats between Morocco and each of Algeria, Germany and Spain.

What should be done? With U.S. diplomatic support at the UN Security Council, the new UN envoy should focus on rebuilding confidence and relaunching negotiations, backed by other outside actors, which should deploy a mix of financial incentives and disincentives.

Executive Summary

Almost a year into renewed fighting in Western Sahara, international efforts to bring Morocco and the pro-independence Polisario Front back to the negotiating table have led nowhere. In the territory's Rabat-controlled part, the bargain between Morocco and Sahrawi elites holds firm, while the authorities step up repression of human rights activists. Among youth in Sahrawi refugee camps in Algeria, the resumption of hostilities in November 2020 has broad support, which encourages the Front to keep fighting. For its part, the UN took more than two years to appoint a new special envoy, overcoming objections from both sides only in October 2021. External powers are divided over Western Sahara, with the Biden administration unwilling to clarify its stance on its predecessor's recognition of Moroccan sovereignty over the territory. To break the impasse, the new UN envoy should mediate prompt de-escalation and suggest confidence-building steps that could enable a return to negotiations. The U.S. should help him through diplomatic manoeuvres that jump-start efforts to reach a settlement.

In Moroccan-controlled Western Sahara, Rabat's political-economic pact with Sahrawi elites has secured their support for its policies by granting them monopolistic business licences and other benefits. These leaders have become increasingly entrenched, posing an obstacle to change. Meanwhile, police have intensified their harassment of human rights and pro-independence activists in an effort to muffle these voices. The political opinions of most Sahrawis remain unclear, as no one in this part of the territory can freely express his or her views on the conflict.

Outside these areas, in refugee camps that house displaced Sahrawis, the mood is very different. There, many back the Polisario's military campaign, which it restarted in November 2020 after a ceasefire that had lasted since 1991. Support remains strong, despite the campaign's modest results. The resumption of hostilities has galvanised youth increasingly sceptical of the chances of a diplomatic solution and frustrated with life in exile under harsh conditions. Polisario officials have ruled out the possibility of returning to the 1991 ceasefire, resolving to fight in order to strengthen their negotiating position in future talks with Morocco.

Foreign actors have struggled to develop a coherent strategy for addressing this situation. Repeated UN attempts after May 2019 to appoint a new envoy faltered in the face of rejections from both Morocco and the Polisario. Only in October 2021 did the UN secretary-general manage to push through the appointment of Staffan de Mistura, who previously served as special envoy for Syria, Afghanistan and Iraq. The Biden administration has declined to say what it thinks about former President Donald Trump's December 2020 recognition of Rabat's sovereignty over Western Sahara, a dramatic reversal of longstanding U.S. policy that Trump undertook in return for Morocco's normalisation of relations with Israel. Thus far, the Biden team has managed to maintain influence with both parties, successfully lobbying Morocco to accept de Mistura.

As foreign countries waver about what to do, Morocco has taken a newly hard-nosed approach to the conflict. Over recent months, the kingdom has been at the centre of a string of diplomatic crises with Germany, Spain and Algeria. It has also

squared off against critical African governments. Morocco refuses to deal directly with the African Union (AU), making it difficult for that organisation to play a role outside the UN diplomatic framework. The conflict is also quite divisive within the AU. While Rabat's interlocutors do not always fully agree with its Western Sahara policy, they are often hesitant to ramp up persistent pressure on the kingdom – or, for that matter, on the other side – in what they consider a low-priority dispute.

But underplaying the conflict over Western Sahara would be a mistake. Diplomatic tensions between Morocco and its European partners, a cold war between Rabat and Algiers, and the risk of a military escalation between the Polisario and Morocco show that external actors should not underestimate the conflict's repercussions and impact. With discussions on renewing the mandate of the UN mission to Western Sahara, MINURSO, coming up in late October, the U.S. should signal its support for de Mistura and his mission. It should indicate to both parties its renewed engagement on the conflict, for example by proposing that the Security Council shorten MINURSO's mandate from twelve to six months, guaranteeing that there will be briefer intervals separating Security Council's open discussions of the situation. To motivate the Polisario to take negotiations seriously, the U.S. should also seek to include new language referring to the Sahrawis' right of self-determination. A diplomatic initiative along these lines could be just enough to open a path toward a broader effort to settle the conflict.

With this wind at his back, de Mistura should prioritise first negotiating a temporary de-escalation, through confidence-building measures, and then restarting peace talks without preconditions. To build confidence, he will need to convince Morocco and the Polisario to suspend their military activities and persuade Rabat to halt the ill treatment of human rights and pro-independence activists in Western Sahara. Both sides should agree to the resumption of family visits by Sahrawis in the refugee camps and in Western Sahara under UN supervision. In the interest of expediency, the new envoy should resurrect his predecessor's roundtable format for talks, which in addition to Morocco and the Polisario included neighbours Algeria and Mauritania in an observer capacity.

Foreign actors can help by offering a mix of financial incentives and disincentives to lure both sides back to negotiations and keep them engaged. In light of a September 2021 European Court of Justice ruling that declared the inclusion of Western Sahara in the 2012 European Union-Morocco trade deal illegal, Brussels should revise its policy and remove Western Saharan produce and fish from the agreement with Rabat, rather than attempt to work around the verdict, unless and until the kingdom and the Polisario reach a compromise, as a way to raise the status quo's cost. As for sweeteners, the U.S. and European states should consider setting up an international development fund for Western Sahara to be tapped only if the parties strike a conflict-ending deal. The promise of this money might help convince the principal constituencies, such as elites and disillusioned Sahrawis in Western Sahara and the camps, that a negotiated solution to this 46-year-old conflict is in their mutual interest.

Rabat/Tindouf/Washington/Brussels, 14 October 2021

Relaunching Negotiations over Western Sahara

I. Introduction

The conflict between Morocco and the pro-independence Polisario Front began in 1975, with the end of Spain's colonisation of Western Sahara. Through the 1975 Madrid Accords, which officially ended Spanish control, Morocco and Mauritania divided the territory at the expense of the Polisario, which had launched an armed struggle against the European colonisers two years earlier to achieve self-rule.¹ Both the Front and its main foreign backer Algeria rejected the agreement, with the former proclaiming the Sahrawi Arab Democratic Republic in the part of Western Sahara that was free from Moroccan and Mauritanian control in 1976.

In the ensuing war, the pro-independence movement managed to force Nouakchott to withdraw from the third of Western Sahara it occupied in 1979, while thousands of Sahrawis took refuge in camps near Tindouf in Algeria. Over the following years, however, Morocco consolidated control over most of the territory, including the part previously held by Mauritania, thanks mainly to its construction of a system of defensive walls, which run inside Western Sahara and along the borders with Mauritania and Algeria, known as the "sand berm". To the berm's west lies Rabat-held Western Sahara and to its east the area that the Polisario considers its "liberated territory".

In 1991, the two sides agreed to a UN-mediated settlement plan. Along with a UN-monitored ceasefire, this initiative divided Western Sahara along the sand berm, established a buffer strip and a restricted zone to separate Moroccan and Polisario forces, and aimed to settle the dispute through a vote on self-determination, to be organised by MINURSO, the UN mission in the territory. Yet, due to Morocco's political manoeuvring and the two sides' divergent interpretations of the plan, the vote never took place. After the UN failed to break this deadlock, Rabat unveiled an autonomy plan in 2007 as an alternative, which gained French and U.S. support. It aimed to solve the conflict by devolving powers to Western Sahara, which would remain under Moroccan sovereignty. The Polisario rejected the proposal on the basis that it denied the Sahrawi population the right to self-determination. In the following years, numerous rounds of direct negotiations between the two parties fizzled out with no breakthrough.²

In November 2020, the ceasefire between Rabat and the Polisario collapsed and hostilities resumed. After the kingdom sent troops into the UN-monitored buffer

¹ Morocco's takeover of the part of Western Sahara it controls today happened after what King Hassan II called the Green March. On 7 November 1975, the king rallied some 350,000 citizens to cross into Spanish-controlled areas and assert Rabat's claim to them. The Green March forced Spain's hand: rather than order its soldiers to fire on the demonstrators, Madrid resolved to depart.

² See Crisis Group Middle East and North Africa Report N°66, *Western Sahara: Out of the Impasse*, 11 June 2007; and Jacob Mundy and Stephen Zunes, *Western Sahara: War, Nationalism and Conflict Irresolution* (Syracuse, 2010).

zone to end the Front supporters' three-week blockade of the strategic Guerguerat road, which links Morocco to Mauritania and points south, passing through Western Sahara, the pro-independence movement launched daily attacks on Moroccan military units and facilities. Despite this escalation, the UN failed in its efforts to appoint a new envoy to mediate between the warring sides, while the UN Security Council in effect turned its back on this new round of violence.³

This report aims to shed light on the main political and socio-economic developments in Moroccan-controlled Western Sahara, conditions and debates in Sahrawi refugee camps in Tindouf, and international reactions to the latest events. It builds on Crisis Group's previous work on the Western Sahara conflict.⁴ It is based on about 80 interviews with Moroccan officials, Sahrawi elites, activists and refugees, Polisario representatives, U.S., African and European diplomats, and European and Moroccan journalists and scholars. Interviews took place in Rabat, Laayoune, Tindouf, Algiers and Washington.

A note on language: Morocco considers the Polisario Front a "separatist" group, while the Front sees itself as a national liberation movement fighting what it considers Rabat's illegal occupation. The kingdom calls the part of Western Sahara it controls "the southern provinces" or "the Saharan provinces", while the Polisario calls it "occupied Western Sahara" and refers to the part of territory beyond the sand berm (and in the UN-monitored buffer zone) as "the liberated territory". The UN considers Western Sahara a "non-decolonised" and "non-self-governing" territory. This report will refer to the part of Western Sahara under Rabat's control as "Moroccan-controlled" or "Moroccan-held" Western Sahara; to Western Sahara in its entirety as a disputed territory; and to the part the Polisario calls "the liberated territory" as "the UN-monitored buffer zone".

³ See Crisis Group Middle East and North Africa Briefing N°82, *Time for International Re-engagement in Western Sahara*, 11 March 2021.

⁴ Ibid.; Hannah Armstrong, "The Youth Movement in Sahrawi Refugee Camps", Crisis Group Commentary, 25 April 2018; and Crisis Group Report, *Western Sahara: Out of the Impasse*, op. cit.

II. Sahrawis and Moroccans in Western Sahara

Since the conflict began, the Sahrawi population has been divided between Moroccan-controlled Western Sahara – some 320,000 – and the refugee camps over the Algerian border in Tindouf – around 175,000.⁵ Yet in many cases separation has failed to break family and tribal ties, which hold people together on both sides of the divide, even when they have conflicting political allegiances. The growing availability of internet and mobile phone connections has allowed Sahrawis to maintain or reforge these links. An exchange program allowed Sahrawis in the camps to visit relatives on the other side of the sand berm until 2014, when the UN High Commissioner for Refugees terminated it. The refugees blame Rabat for the program's cancellation. Nevertheless, Sahrawis continue to occasionally cross the UN-monitored buffer zone and sand berm to permanently relocate to the other side (with movement taking place in both directions).⁶

Inside the three provinces of Rabat-controlled Western Sahara, which represents around 80 per cent of the overall Western Saharan territory, Sahrawis have become a minority over the past 40 years. Speakers of *hassaniya* (the Sahrawis' Arabic dialect, which is different from Morocco's *darja*) make up 41 per cent of the Laayoune-Sakia El Hamra province's population, 32 per cent of residents in Guelmin-Oued Noun province and 11 per cent in Dakhla-Oued Ed Dahab.⁷ The remainder in all three provinces are mainly Moroccans. The latter's numbers have gradually risen since the 1980s with the construction of the sand berm, which rendered the main cities far more secure. The Moroccan population growth accelerated following the 1991 ceasefire, which further stabilised the area, and again after King Mohammed VI ascended to the throne in 1999, which coincided with an increase in Moroccan investment in the territory.⁸

A. Rabat and the Sahrawi Elites

Since it took over the part of Western Sahara it controls today, Rabat has poured considerable resources into the territory, with the aim of stabilising it. The Moroccan government is the region's main investor and employer, and has managed to raise the GDP per capita, which exceeds the Moroccan average by 26 per cent; improve the availability and quality of health care and education; and reduce poverty. The investment has brought about improvements in living standards, as measured by the UN Development Programme's Human Development Index, which rose in the terri-

⁵ David Goeury and Nato Tardieu, "Y a-t-il un 'un vote hassani'?", *Tafra*, 18 March 2019; and "Algeria Sahrawi refugees", ACAPS.

⁶ Crisis Group interviews, Sahrawi representatives, pro-independence activists, refugees, Laayoune, Tindouf, Washington, April-June 2021.

⁷ Goeury and Tardieu, "Y a-t-il un 'un vote hassani'?", *op. cit.* These statistics are only a loose proxy for the region's ethnic makeup and should be treated with some caution, as some *hassaniya* speakers are originally from southern Morocco (and would therefore be *hassaniya*-speaking Moroccans). Moreover, Rabat has divided Western Sahara into three main administrative units, two of which – Laayoune-Boujdour-Sakia El Hamra and the Guelmin-Oued Noun – include areas that are part of southern Morocco.

⁸ Crisis Group correspondence, Moroccan journalist, May 2021.

tory from 0.384 in 1980 to 0.643 in 2014.⁹ Yet it has failed to kick-start long-term economic development, as seen in the high unemployment rate, which is well above the kingdom's average, and a lack of opportunities for young people. Much of the population remains dependent on the *kartiya*, a coveted card that gives people classified as vulnerable access to state welfare benefits.¹⁰

Rabat has outsourced the distribution of the economic benefits to a loyal *has-saniya*-speaking elite. It has encouraged the emergence of a number of pro-Morocco Sahrawi families, some with past links to the Spanish colonial power.¹¹ They have benefitted from business licences and de facto monopolies in sectors ranging from public transport to fisheries and sand mining, which have provided them with the resources to build conglomerates and finance careers in electoral politics.¹² Thanks to Rabat's investment and the elite's mobilisation efforts, the three Western Saharan provinces under Moroccan control boast some of the highest turnout rates in the local and legislative elections that Morocco holds.¹³ The governors and many council members from these provinces, as well as locally elected parliamentarians, are from Sahrawi notable families that have strong ties to Rabat.¹⁴

In return for economic and political support, Sahrawi politicians and tribal leaders work hard to keep Western Sahara stable and loyal to the throne. They address socio-economic grievances by leveraging their control of institutions and parts of the private sector. By distributing benefits (such as jobs or access to social housing) and resolving local disputes through family and patronage networks, they are generally able to contain social discontent and can even mobilise the population in support of Rabat's position on the conflict when needed.¹⁵

Some Moroccans and Sahrawis criticise these representatives for their tight grip on power. A pro-independence activist claimed that these elites do not represent the local population: "Sahrawis vote in elections because they are bribed. They receive

⁹ "Les Provinces du Sud en tant que Hub et Portail vers l'Afrique Subsaharienne", Institut Royal des Études Stratégiques, November 2019.

¹⁰ Crisis Group telephone interviews, European researchers, April 2021. See also Laurence Aida Ammour, "Le Sahara occidental vu de l'intérieur", *Huffington Post*, July 2014; and "Nouveau modèle de développement pour les provinces du Sud," Conseil Economique, Social et Environnemental, October 2013.

¹¹ Families such as the Ould Errachid and Joumani played a key role in local politics under Spanish colonial rule and continue to do so today. Others that now back Moroccan rule, such as the Bouaida and Derham, were politically marginal until Rabat took over the territory in 1975.

¹² Crisis Group correspondence, Moroccan journalist, May 2021; Crisis Group telephone interview, European researcher, May 2021. See also Fahd Iraqi, "Maroc: les nouveaux seigneurs du Sahara occidental", *Jeune Afrique*, 1 March 2018. In sand mining, sand is extracted from a beach through a pit or dredged from the sea. It may be incorporated into abrasives or used to make concrete, among other uses.

¹³ Moroccans and Sahrawis living in Rabat-held Western Sahara can take part in administrative and legislative elections in Morocco.

¹⁴ Goeury and Tardieu, "Y a-t-il un 'un vote hassani'?", op. cit.

¹⁵ Crisis Group interviews, Sahrawi representatives, Moroccan journalist, Rabat and Laayoune, May 2021. For an example of a pro-Rabat mobilisation of 10,000 Sahrawis in Laayoune, see Kenza Khatla, "Laayoune: Ould Errachid réunit des milliers de personnes en soutien à la décision US", *Médias 24*, 11 April 2021.

money from the elites to vote. I saw that with my own eyes”.¹⁶ Others see these officials as too entrenched to allow for political renewal, as underdog candidates are unable to match the incumbents’ ability to spend.¹⁷ A pro-Rabat Sahrawi accused the elites of opposing all attempts to curtail clientelism and exploiting sporadic outbursts of unrest to remind the central government of the risks implicit in altering the status quo from which they benefit.¹⁸ According to a Moroccan journalist:

Morocco has always relied on buying allegiance. It created monsters it can no longer control and that have become bigger than the state.¹⁹

Moroccan officials are dismissive of these complaints and prefer to highlight Rabat’s considerable economic effort in developing the territory. A Moroccan diplomat stressed that the results over the past twenty years are impressive, particularly given that Western Sahara has no significant natural resources, besides phosphates, and is otherwise reliant on remittances for hard currency.²⁰ One of this diplomat’s colleagues underlined this view: “There was nothing there in the Sahara. Morocco built all of it”.²¹

For its part, the kingdom seems worried that its relationship with Western Sahara is lopsided and too costly. It has tried but failed to reform the economic arrangements that sustain the relationship in recent years. Worried by the impact of chronic underdevelopment on long-term stability and the population’s allegiance to Rabat, King Mohammed VI and government officials have repeatedly called for an end to patronage and rents deriving from the lack of competition in sectors regulated by licences awarded to Sahrawi elites. They have also tried to promote structural changes, such as economic diversification and liberalisation, in the region.²² But Rabat has failed to follow through with a meaningful policy initiative to effect these changes because of opposition from the Sahrawi elite, which is discreetly but firmly opposed to these ideas.²³ A high-profile Sahrawi representative dismissed the idea that reform is needed: “In the news you hear this talk of rent, and rentierism, but none of that exists. We are working and investing. That’s all”.²⁴

Officially, Sahrawi politicians in the Moroccan-controlled areas are supportive of Rabat’s autonomy plan, which provides for a degree of self-rule for the three West-

¹⁶ Crisis Group telephone interview, pro-independence Sahrawi activist, July 2021.

¹⁷ Crisis Group correspondence, Moroccan journalist, May 2021. See also Iraqi, “Maroc : les nouveaux seigneurs du Sahara occidental”, op. cit.

¹⁸ Crisis Group interview, pro-Rabat Sahrawi, Laayoune, May 2021.

¹⁹ Crisis Group interview, Moroccan journalist, Rabat, May 2021.

²⁰ Crisis Group interview, Moroccan diplomat, Rabat, April 2021.

²¹ Crisis Group interview, Moroccan diplomat, Rabat, April 2021.

²² See “Discours de SM le Roi adressé à la nation à l’occasion du 39ème anniversaire de la Marche Verte”, Royaume du Maroc, 6 November 2014; “Sahara occidental : le roi du Maroc appelle à la fin de l’économie de rente”, *La Tribune*, 7 November 2015; and “Nouveau modèle de développement pour les provinces du Sud”, op. cit.

²³ Crisis Group interviews, pro-Rabat Sahrawi, Moroccan journalist, May 2021; Crisis Group correspondence, Moroccan journalist, May 2021. A Polisario dissident residing in Western Sahara believes that Sahrawi elites whipped up the 2010 Gdeim Izik protest (see Section II.C below) in order to block the central authorities’ attempts to reform “rentierism” in Western Sahara. Crisis Group interview, Polisario dissident, Laayoune, May 2021.

²⁴ Crisis Group interview, Sahrawi representative, Laayoune, May 2021.

ern Saharan provinces. They argue that such arrangements are already in place inside the kingdom, with the process of regionalisation (since 2011, Morocco has gradually devolved increasing powers to local administrative units), and that the Polisario should accept the principle of autonomy under Moroccan sovereignty before entering talks.²⁵

Yet Moroccan and European observers are sceptical that the Sahrawi notables are genuinely supportive, noting that, in case of an agreement, they could lose access to or see a reduction in the benefits distributed by Rabat. Moreover, should Sahrawi exiles return as part of the autonomy plan, the notables would have to contend with competing families and political networks.²⁶ A Polisario dissident residing in Moroccan-controlled Western Sahara argued that, for the conflict to be settled, the kingdom would need to modify its pact with the elites to reduce their dependence on the current distribution of benefits and overcome their likely resistance to a peace agreement that they would see as jeopardising their political and economic interests:

If there is room for a solution, Morocco needs to give incentives. This will require rethinking as to whom they currently give state support to. They don't have to cut off those currently benefitting, but they have to reconfigure certain things.²⁷

Officials in Rabat express greater optimism about the possibility of compromise with the Polisario and appear unconcerned about the Sahrawi elites' ability to accept a compromise. A Moroccan diplomat argued that the Front has sufficient incentives to take part in Moroccan political life. He believes that, in the event of an agreement on the kingdom's autonomy plan, the Polisario could become a political party and take part in elections, as the Revolutionary Armed Forces of Colombia (FARC) has done.²⁸ Another diplomat was less sanguine, saying the main obstacle to an agreement is that the Polisario knows that if it accepts the plan it could lose influence with the refugee population, which wants independence, and end up being politically sidelined.²⁹

B. *Repression of Pro-independence and Human Rights Activists*

Firmly opposed to the elite and its pact with Rabat is a small but vocal group of human rights and independence activists inside Moroccan-held Western Sahara. In parallel to Morocco's steady reinforcement of its rule, a small group of self-described anti-occupation militants has continued to criticise the status quo and call for application of the 1991 UN-backed Settlement Plan and, in particular, the self-determina-

²⁵ Crisis Group interviews, Sahrawi representatives, Laayoune and Rabat, May 2021.

²⁶ Crisis Group telephone interview, European researcher, April 2021; Crisis Group correspondence, Moroccan journalist, May 2021.

²⁷ Crisis Group interview, Polisario dissident, Laayoune, May 2021.

²⁸ Crisis Group interview, Moroccan diplomat, Rabat, May 2021. The FARC was Colombia's largest insurgency for decades. In 2017, one year after signing a peace accord with the government, it dissolved as an armed group, handing over its weapons to the UN, and reformed as a legal party now called Comunes. Small numbers of dissident fighters, however, have again taken up arms against the state. For background, see Crisis Group Latin America Report N°63, *Colombia's Armed Groups Battle for the Spoils of Peace*, 19 October 2017; and Bram Ebus, "A Rebel Playing Field: Colombian Guerrillas on the Venezuelan Border", Crisis Group Commentary, 28 April 2021.

²⁹ Crisis Group interview, Moroccan diplomat, Washington, April 2021.

tion referendum it contemplates.³⁰ Largely overlapping with them are Sahrawi human rights organisations, which tend to be run by pro-independence activists. These organisations monitor the Moroccan security forces and routinely publicise concerns that the latter are employing repressive measures.³¹

These activists pay a heavy price for their engagement.³² Pro-independence and civil society groups say that price has risen since hostilities resumed between Morocco and the Polisario in November 2020, with several activists, as well as Sahrawi journalists, being arrested and tortured and others going into hiding.³³ The repression appears motivated by desire to deter rallies against Rabat, which local militants attempted to organise right after the return to war.³⁴ In July 2021, Mary Lawlor, the UN special rapporteur on the situation of human rights defenders, denounced this “clampdown”. She singled out the case of Sultana Khaya, a pro-independence partisan and president of the League for the Defence of Human Rights and Protection of Natural Resources, who has been regularly harassed by thugs and security officers operating without a warrant while under de facto house arrest since November 2020 without trial.³⁵ Khaya told Amnesty International that on 12 May, masked security officers broke into her house, beat her and tried to rape her. Some of the masked men raped her sister.³⁶

While taking positions in favour of independence and generally supporting the Polisario’s war effort, most pro-independence activists have their own views on the conflict and are not part of the Front. Before November 2020, many criticised the organisation’s reluctance to resume fighting as a passive stance.³⁷ The resumption of hostilities has boosted its legitimacy in their eyes. That said, some in this group argue that the Polisario’s renewed attacks are not enough and that a popular uprising throughout Western Sahara is needed to end the occupation. These pro-independ-

³⁰ Crisis Group telephone interview, pro-independence Sahrawi activist, July 2021.

³¹ There is no clear distinction between pro-independence activists and human rights defenders, as these categories tend to overlap (activists can both call for the independence of Western Sahara and belong to groups denouncing human rights violations in the territory). Among these groups are the Nushatta Foundation and l’Instance Sahraouie contre l’Occupation Marocaine, headed by human rights activist Aminatou Haidar.

³² “Morocco/Western Sahara: Targeted Crackdown on Sahrawi Activists”, Amnesty International, 19 July 2021. For example, on 9 May, police broke into and damaged Sahrawi activist Mina Baali’s house in Laayoune, according to Amnesty International, after she was seen waving Western Sahara flags and chanting independence slogans. One officer removed her traditional Sahrawi scarf and punched her repeatedly. The officers destroyed the electricity metre, broke doors and other objects in the house, took her flags, phones, laptops and money, and threatened her family with death and detention.

³³ Crisis Group telephone interviews, pro-independence Sahrawi activists, July 2021. See also “Morocco/Western Sahara: Targeted Crackdown on Sahrawi Activists”, op. cit.

³⁴ Crisis Group telephone interviews, pro-independence Sahrawi activists, July 2021.

³⁵ “Morocco: UN human rights expert decries ‘clampdown’ on human rights defenders”, UN Office of the High Commissioner for Human Rights, 1 July 2021.

³⁶ “Morocco/Western Sahara: Targeted Crackdown on Sahrawi Activists”, op. cit.

³⁷ A Sahrawi human rights activist, while reiterating her support for a non-violent struggle against Morocco, justified the Polisario’s return to war: “It’s the only language that the Moroccan occupier and the international community listen to and understand. It’s really unfortunate and sad”. Crisis Group telephone interview, June 2021.

ence groups do not normally communicate with the Polisario; they prefer to engage with their civil society counterparts both in the refugee camps and in Morocco.³⁸

Not surprisingly, neither Morocco nor the Sahrawis who support Rabat's rule are sympathetic to claims of human rights violations in Moroccan-controlled Western Sahara or to the people who make these claims, whom they consider Polisario surrogates. With regard to human rights, Morocco and pro-Rabat Sahrawis are apt to deflect claims of Rabat's heavy-handedness by saying the Polisario is itself guilty of abuses in the refugee camps.³⁹ They also argue that the Front raises human rights issues merely as a ploy to besmirch Morocco's reputation and weaken its bargaining position. A Moroccan diplomat claimed that when Rabat tried to raise the question of human rights violations in negotiations led by Christopher Ross, the UN envoy from 2009 to 2017, the Front expressed no interest in having such a discussion – perhaps out of reluctance to discuss allegations related to the camps.⁴⁰

As for pro-independence activism, pro-Rabat Sahrawis believe that downtrodden youth (often students) looking to attain better socio-economic conditions for themselves with Moroccan support are often ready to abandon the independence cause in return for material inducements. One pro-Rabat researcher argued that students from Moroccan-controlled Western Sahara tend to sympathise with the Polisario while at university in Morocco but, once they return home after completing their studies, moderate their positions as they start looking for jobs and housing.⁴¹ The authorities also use a carrot-and-stick approach, sometimes rewarding pro-independence activists with administrative posts if they disengage from the cause.⁴²

C. *Disaffected Sahrawis*

It is difficult for an outsider to gauge the views of ordinary people in Moroccan-controlled Western Sahara on the conflict. The combination of repression and targeted redistribution of economic benefits seems to have dissuaded most of them from discussing it at all. Activists claim that the majority of the population supports independence and sympathises with the Polisario, but that most people are afraid to do so publicly.⁴³ A Sahrawi originally from the refugee camps and now living in Spain recalled a meeting in Mauritania with relatives who have remained in Western Sahara:

Part of my family are businessmen in the occupied territories. To make a living they have to publicly support Morocco, even though they actually back independence. In 2003 we met in Mauritania; it was a very emotional encounter. When my relatives saw the Sahrawi Arab Democratic Republic's flag on our car's licence plate, they kissed that flag.⁴⁴

Others underscore that many Sahrawis have unclear political opinions. They are integrated into local patronage networks, and often participate in Moroccan-held elec-

³⁸ Crisis Group telephone interview, pro-independence Sahrawi activist, July 2021.

³⁹ Crisis Group interviews, pro-Rabat Sahrawis, Laayoune, May 2021.

⁴⁰ Crisis Group interview, Moroccan diplomat, Washington, April 2021.

⁴¹ Crisis Group telephone interview, pro-Morocco Sahrawi researcher, April 2021.

⁴² Crisis Group telephone interview, European researcher, April 2021.

⁴³ Crisis Group telephone interviews, pro-independence Sahrawi activists, July 2021.

⁴⁴ Crisis Group telephone interview, diaspora Sahrawi, July 2021.

tions in return for actual or potential economic benefits, but they do not necessarily support the kingdom's claim to sovereignty over Western Sahara. Nor, however, do they necessarily agree with calls for independence. This group is disaffected with the narratives propagated by both Morocco and the Polisario Front. Its members are exasperated with unemployment, limited access to housing, corruption and clientelism, but some of them have also lost faith in the prospect of independence and are seeking a better alternative.⁴⁵ A pro-Rabat Sahrawi researcher described this group as follows:

It's the same silent majority that we can observe in the rest of Morocco. They are frustrated and politically disenchanted. They are not even politically neutral, but rather waiting for something new from Morocco or the Polisario.⁴⁶

Some of these Sahrawis have chosen to engage in politics and otherwise operate within the limits imposed by Rabat. They run in local elections under the banner of one of the kingdom's political parties, while privately professing their hope for an independent Western Sahara.⁴⁷ Participating in elections means that candidates are de facto prevented from discussing independence but can address socio-economic and cultural issues.⁴⁸ Sahrawis are free to organise demonstrations focusing on local problems, whether unemployment or welfare benefits, as long as they stay away from the pro-independence agenda. Such initiatives often create opportunities for tribal leaders and elected representatives to mediate between the population and Morocco, thus reaffirming their importance as powerbrokers.⁴⁹

Although it happened more than a decade ago, the 2010 Gdeim Izik protest continues to highlight the fine line that separates socio-economic grievances from overtly political ones. In October 2010, a group of Sahrawis in Laayoune set up a protest camp to draw attention to several grievances, ranging from alleged corruption to unfair distribution of welfare benefits. In the following days, the peaceful sit-in grew to include thousands of people. The authorities engaged in dialogue with the demonstrators at first, but then a teenager died at the police's hands, fuelling tensions and leading the protesters to ratchet up their demands from greater social justice to independence. In early November, fearing that pro-Polisario activists had taken over the encampment, police forcibly removed the tents and arrested around 3,000 people. In the following hours, violent incidents involving Sahrawis, Moroccans and Moroccan security forces took place in Laayoune. It took active mediation by a local notable, Hamdi Ould Errachid, to restore calm.⁵⁰

⁴⁵ Crisis Group correspondence, Moroccan journalist, May 2021; Crisis Group telephone interview, pro-Rabat Sahrawi researcher, April 2021.

⁴⁶ Crisis Group telephone interview, pro-Rabat Sahrawi researcher, May 2021.

⁴⁷ Crisis Group telephone interview, European researcher, April 2021.

⁴⁸ Victoria Veguilla del Moral, "Se situer' dans le nouveau système décisionnel au Sahara Occidental. Les élections régionales à Dakhla-Oued Eddahab", *L'Année du Maghreb*, no. 16 (2017).

⁴⁹ Crisis Group telephone interviews, European researcher, pro-Morocco Sahrawi researcher, April-May 2021.

⁵⁰ Crisis Group telephone interviews, pro-independence Sahrawi activist, pro-Morocco Sahrawi researcher, European researchers, April-July 2021. See also Carmen Gómez Martín, "Sahara Occidental : quel scénario après Gdeim Izik ?", *L'Année du Maghreb*, no. 8 (2012).

D. A Growing Moroccan Presence

Moroccans represent the majority of the population in Rabat-controlled Western Sahara and play a major role in the economy.⁵¹ Attracted by generous government incentives and subsidies, many relocated to the territory to get jobs in the public sector and the fishing and phosphate industries, in which they now constitute the overwhelming majority of both blue- and white-collar employees. Not all Moroccans moved to take comfortable positions; after 1975, many went first to slums on the periphery of Western Sahara's main cities, looking for jobs and tax incentives. But their living conditions improved during the first ten to fifteen years of King Mohammed VI's reign, which commenced in 1999.⁵²

This population's political views are unclear and fragmented, but an increasingly aggressive nationalist component seems to have emerged of late. Part of this population is integrated into local patronage networks, particularly in Dakhla and Laayoune, but other parts (especially working-class Moroccans living elsewhere) are not. Encouraged by Rabat's increasingly inflexible stance on Western Sahara, some have adopted a more militant nationalism. In February 2011, these sentiments suddenly erupted in Dakhla, where a music festival turned into a riot as young Moroccans attacked homes, businesses and people in the Sahrawi-majority Oum Tounsi area for apparently nationalist reasons. The disturbances lasted for days, leaving around 100 dead and injured.⁵³

The army represents the other major Moroccan presence in the territory and has its own interest in the status quo. Although there is a lack of reliable statistics in the public domain, estimates dating back to 2007 indicate that Rabat has around 130,000 soldiers in Western Sahara, amounting to roughly half its troops.⁵⁴ Several senior officers seem to have benefitted financially from stakes in the Western Saharan economy afforded them by the kingdom. In 2012, the ruling Islamist Justice and Development Party promised to publish the list of people who had received licences for commercial fishing, one of Western Sahara's biggest industries. While the full record never appeared, the newspaper *Akhbar al-Youm* obtained some of the names and made them public. The list included a number of high-ranking military officers stationed in Western Sahara, as well as several pro-Rabat Sahrawis.⁵⁵

⁵¹ Goeury and Tardieu, "Y a-t-il un 'un vote hassani' ?", op. cit.

⁵² Crisis Group telephone interviews, European researchers, May 2021. Some of these Moroccans are *hassaniya* speakers, originally from southern Morocco.

⁵³ Crisis Group telephone interviews, European researcher, pro-independence Sahrawi activist, May-July 2021. See also "New clashes in occupied Western Sahara", *Afrol.com*, 27 February 2011; and "Le festival de Dakhla annulé pour cause de violences", *RFI*, 27 February 2011.

⁵⁴ See Crisis Group Middle East and North Africa Report N°65, *Western Sahara: The Cost of the Conflict*, 11 June 2007.

⁵⁵ "Akhbar Alyoum dévoile les noms des principaux bénéficiaires de licence de pêche", *Akhbar al-Youm*, 8 March 2012; and Ignacio Cembrero, "Militares y políticos saharuis anti Polisario se reparten la pesca marroquí", *El País*, 11 March 2012.

III. The Debates in the Refugee Camps

A. *The Return to War*

Since November 2020, the Polisario Front has again been carrying out regular attacks on Moroccan military targets. It has been firing daily upon Moroccan troops and facilities along the sand berm. These operations have so far consisted mostly of long-distance shelling and hit-and-run raids along the berm, with limited efficacy.⁵⁶

Almost 30 years of peace and geopolitical shifts in the region have undermined the Polisario's military capabilities. The group largely demobilised after the 1991 ceasefire, maintaining only minimal forces. In addition, it has lost one of its main arms suppliers, Libya's Muammar Qadhafi.⁵⁷ A pro-Rabat military analyst argues that the Front's outdated equipment is a major constraint on its ability to wage war upon Morocco, a much bigger and powerful adversary that can deploy U.S. and Israeli weaponry.⁵⁸ The 7 November 2020 assassination of Polisario's police chief Addah al-Bendir highlighted this gap. The kingdom refused to provide details, but media outlets and military experts said Moroccan forces had used a drone to identify Bendir, to kill him or both.⁵⁹ If confirmed, these reports would indicate the first known use of drones in the conflict.

Pro-independence Sahrawis are aware of the imbalance but believe that what they refer to as their war of attrition will eventually succeed. While many agree that their forces are no match for the kingdom's, they argue that their guerrilla warfare tactics and familiarity with the territory will wear down the enemy in the long run.⁶⁰ Polisario officials suggest that the present low-intensity conflict is only the beginning of a more ambitious and effective campaign.⁶¹

⁵⁶ Crisis Group telephone interviews, MINURSO official, November 2020; Moroccan military analyst, May 2021.

⁵⁷ Crisis Group interviews, Polisario official, Tindouf, June 2021; pro-Sahrawi Algerian activist, Algiers, June 2021.

⁵⁸ Crisis Group telephone interview, Moroccan military analyst, May 2021. See also François Soudan, "Morocco/Algeria: Western Sahara conflict shows signs of escalation", *The Africa Report*, 2 March 2021, which suggests that the Polisario can rely on "a fleet of Toyota 4×4 vehicles outfitted with 14mm machine guns, Russian-made multiple rocket launchers, 120mm mortars and Soviet-made T-62 tanks. Faced with a defence line flanked with minefields, peppered with detection systems, monitored by drones and protected by rapid intervention forces, the separatists, who number somewhere between 3,000 and 5,000 men at the most, have no other choice but to use hit-and-run tactics that inflict little damage". Jonathan Hempel, "The arms deals Morocco and Israel don't want you to know about", *Haaretz*, 18 March 2021; and "White House notifies Congress of planned \$1b weapons sale to Morocco", *The Times of Israel*, 12 December 2020.

⁵⁹ Crisis Group telephone interviews, MINURSO official, Moroccan military analyst, April and May 2021. See also Federico Borsari, "Rabat's Secret Drones: Assessing Morocco's Quest for Advanced UAV Capabilities", Italian Institute for International Political Studies, 22 July 2021. Borsari claims that the Moroccan army uses Israeli-built Heron 1s, French-manufactured EADS Harfangs and U.S.-made Predator XP drones for intelligence and reconnaissance. The army is also negotiating to purchase U.S.-built MQ-9B SeaGuardian and Turkish-made Bayraktar TB2 medium-altitude long-endurance unmanned aerial vehicles.

⁶⁰ Crisis Group interviews, Sahrawi refugees, Tindouf, June 2021.

⁶¹ Crisis Group interviews, Sahrawi refugees, Polisario officials, Tindouf, June 2021.

B. *Mobilisation of Sahrawi Youth*

The resumption of hostilities has galvanised youth in the refugee camps. The internal debate over whether to go back to war had been running for years, with newer generations pressing the Polisario leadership to give up diplomacy, which many younger people see as a dead end.⁶² Since November 2020, the camps in Algeria have seen significant numbers take up arms. A young Sahrawi abroad reported:

A lot of people from the Sahrawi diaspora, from Spain for example, have gone back to the camps to join the fight. ... All the young people want to go to the front; they are highly motivated [...] and happy. They know it means suffering, but they know it offers a solution.⁶³

Another young refugee said Sahrawis call the fighting their “second liberation war”, after the first one that began in 1975 and ended with the 1991 ceasefire. When hostilities resumed, this person added, there was “an incredibly sad state of jubilation”, a sign that not everyone shares the prevalent feeling.⁶⁴

Disillusionment with diplomacy as a solution to the conflict and the camps’ harsh living conditions are key factors behind the youth’s support for war. Young refugees consider that 30 years of diplomatic efforts have produced no results. They are incensed, meanwhile, at Rabat’s political gains at the UN (with the 1991 Settlement Plan having been sidelined) and the repression of pro-independence activists in Moroccan-controlled Western Sahara.⁶⁵ In the words of a Sahrawi artist:

Going back to war was the only solution. How long will we remain refugees? 45 years of exile is too long. It’s inhumane. Living conditions are tough. We have no means [of subsistence]. It’s even more difficult since we see in other countries that citizens live with dignity. We are lucky to have Algeria on our border, but that is not enough. We want to go back to our country. Here, there are no job opportunities, no future for the Sahrawi people. That’s why going back to war is the only solution.⁶⁶

Many young Sahrawis have had the opportunity to travel abroad, either as students or through NGOs organising summer camps in Europe. After these experiences, returning to life in the camps can be shocking and frustrating. The harsh climate conditions, the lack of job opportunities and many families’ dependence on humanitarian aid further fuel a feeling of hopelessness.⁶⁷

While the refugee population has kept growing over the past 30 years, the available resources have not kept pace. The World Food Programme points out that 30 per

⁶² Crisis Group interview, Sahrawi refugee, Tindouf, June 2021. See also Armstrong, “The Youth Movement in Sahrawi Refugee Camps”, *op. cit.*

⁶³ Crisis Group telephone interview, diaspora Sahrawi, July 2021.

⁶⁴ Crisis Group telephone interview, Sahrawi refugee, May 2021.

⁶⁵ Crisis Group interview, Sahrawi refugee, Tindouf, June 2021; Crisis Group telephone interviews, Sahrawi refugees, May 2021.

⁶⁶ Crisis Group interview, Sahrawi refugee, Tindouf, June 2021.

⁶⁷ Crisis Group interviews, Sahrawi refugees, Tindouf, June 2021.

cent of camp residents are food insecure and 58 per cent at risk.⁶⁸ This problem is particularly acute for women and children.⁶⁹ Yet faced with humanitarian emergencies in other parts of the world, many donors have moved the Tindouf camps down their list of priorities. Meanwhile, diaspora Sahrawis' remittances from abroad, including money but also in-kind assistance like medications, and solidarity within the camps help ameliorate the refugees' plight.⁷⁰

C. *Debating War and Peace*

The Polisario's decision to return to war was the outcome of a long and difficult internal debate. Faced with a diplomatic stalemate, the organisation was under pressure from its younger cohort and some other members for years.⁷¹ A key moment was the Front's December 2019 congress in Tifariti, inside the UN-monitored buffer zone. Over several days, supporters of military action lobbied for immediately setting a date to resume hostilities, while more cautious officials argued that the Front was in no position to carry out an offensive.⁷² Secretary-General Brahim Ghali, who was re-elected at the congress, trod a fine line, reaffirming the movement's commitment to diplomacy but also threatening to "reconsider its engagement in the peace process".⁷³

The Polisario leadership blames Morocco's attempts to impose a new status quo and the UN's passivity for its decision to return to fighting. According to Front officials, Rabat turned its back on its earlier acceptance of a self-determination referendum and then used the stability offered by the ceasefire to advance its fait accompli strategy, for example by pushing African governments to open consulates in Western Sahara, while the UN stood by. In these Polisario officials' view, going back to war was the only way to regain the initiative and put pressure on the kingdom and its international allies.⁷⁴

Yet support for war is not unanimous in the camps, as the older generation tends to be more cautious than many Polisario officials and the youth who cheer them on. A young Sahrawi tells the story of the divide within her family:

For the past 30 years, we were in limbo. The younger generation understands that [going back to war] is not an immediate fix – that this will be a long conflict. But at least we feel that something is happening. It's different for my mother, who is more sceptical because she lost relatives in the previous war.⁷⁵

⁶⁸ A former MINURSO official disputed these percentages, arguing that food insecurity is probably much higher than 30 per cent. Crisis Group correspondence, former MINURSO official, September 2021.

⁶⁹ "Country Brief", World Food Programme Algeria, July 2021.

⁷⁰ Crisis Group telephone interviews, NGO workers, November 2020; Sahrawi refugee, May 2021.

⁷¹ Crisis Group telephone interviews, Sahrawi refugees, May 2021. See also Crisis Group Report, *Western Sahara: The Cost of the Conflict*, op. cit.

⁷² Crisis Group interview, Polisario official, Tindouf, June 2021. See also Jose Carmona, "Espejismos de guerra en el Sáhara", *Público*, 20 December 2019.

⁷³ "Brahim Ghali to Guterres: UN must do more to restore the confidence of our people in the UN peace process in Western Sahara", Sahara Press Service, 30 December 2019.

⁷⁴ Crisis Group interviews, Polisario officials, Tindouf, June 2021.

⁷⁵ Crisis Group telephone interview, Sahrawi refugee, May 2021.

Another refugee said older Sahrawis tend to doubt that war will change anything, believing that the youth support this option because they did not experience the pain of previous fighting. Yet most elders are also disaffected with diplomacy and have lost faith in a solution.⁷⁶

Polisario critics in the camps and abroad are more outspoken in their opposition to war, which they consider self-defeating. A young Sahrawi based in Spain heavily criticised the decision to return to fighting. He argued that the Front's new leadership were to blame for a conflict that has failed to inflict any damage on Morocco, adding: "Sahrawis are saying there is no solution, but they are brainwashed by the Polisario. As for those who have concerns, they are afraid of voicing them".⁷⁷ He said the solution would be to sidestep politicians on both sides and let civil society groups hash it out.⁷⁸ Likewise, the Movimiento Saharaui por la Paz, an organisation formed by Front dissidents and tribal notables in 2020, excoriated the return to war. One of its officials argued:

The Polisario leadership's decision to go back to fighting in November 2020 was a big mistake. In military terms, the result has been terrible, and politically, it's a disaster. Instead of arousing the UN's concern and accelerating a return to negotiations, there has been a loss of interest in the issue. The UN Security Council devotes just one open meeting every year to the conflict to renew the MINURSO mandate. [Western Sahara] is slowly becoming like Kashmir, a low-intensity conflict with no end in sight.⁷⁹

But these voices have only limited impact within the camps, where the youth push for military escalation. Young Sahrawis claim that Rabat is hiding the true casualty figures resulting from the Polisario's attacks. They remain committed to war and demand that the Front intensify attacks, for example by taking prisoners and hitting Moroccan army bases in the part of Western Sahara the kingdom controls.⁸⁰ There are no calls to target civilians. "Despite our disappointment, we will never resort to morally irresponsible means of fighting the Moroccan occupation", said a young refugee. "We don't need to taint our cause with unnecessary violence".⁸¹

The debate in Tindouf over the issue of future negotiations is more nuanced. After 30 years of diplomatic failures, many Sahrawis (especially the youth) rule out the possibility of going back to talks right now. They believe that negotiations can happen only after the Polisario defeats Morocco on the ground and forces it to accept a self-determination referendum.⁸² The Polisario and other Sahrawis are not so cat-

⁷⁶ Crisis Group telephone interviews, Sahrawi refugees, May 2021.

⁷⁷ Crisis Group telephone interview, diaspora Sahrawi, May 2021. In particular, he argued that Polisario leader Brahim Ghali is responsible for going to war and that his predecessor, Mohamed Abdelaziz, would have never opted for this course. He pointed to the April 2020 death of the Polisario's long-time diplomat, Mohamed Khaddad, a more dovish official, and the recent return to the highest levels of decision-making of the more hawkish Bachir Mustapha Sayed, who was previously outside the upper echelons, as additional factors that explain the Front's decision to resume hostilities.

⁷⁸ Crisis Group telephone interview, diaspora Sahrawi, May 2021.

⁷⁹ Crisis Group correspondence, Movimiento Saharaui por la Paz official, September 2021.

⁸⁰ Crisis Group telephone interviews, Sahrawi refugees, May 2021.

⁸¹ Crisis Group telephone interview, Sahrawi refugee, May 2021.

⁸² Crisis Group interviews, Sahrawi refugees, Tindouf, June 2021.

egorical, however. They see the appointment of a new UN envoy (see Section IV.A below) as possibly paving the way for a return to diplomacy, but they insist that talks take place in parallel with fighting. For them, reinstating the 1991 ceasefire or agreeing to a new one is out of the question.⁸³ A high-ranking Polisario official said:

Today, the lesson learned from Morocco's cheating and duplicity is that we will negotiate while fighting. The liberation war must continue until there is a clearly defined conclusion with guarantees. This negotiation can only be the pursuit of ways to go back to the settlement plan and a self-determination referendum.⁸⁴

⁸³ Crisis Group interviews, Polisario officials, Tindouf, June 2021; Crisis Group telephone interviews, Sahrawi refugees, May 2021.

⁸⁴ Crisis Group interview, Polisario official, Tindouf, June 2021.

IV. A Divided International Community

A. A New UN Envoy

For more than two years, the biggest obstacle to resuming talks on Western Sahara was the UN's inability to appoint a new envoy. In May 2019, German President Horst Köhler resigned from the post, and despite the pressing need once hostilities resumed in November 2020, the UN could not find a replacement. During these two years, UN Secretary-General António Guterres put forward thirteen candidates for the position, but none received the green light from both Morocco and the Polisario.⁸⁵ After November 2020, Guterres floated three more names for the position.

In October 2021, the UN announced the appointment of Italian-Swedish diplomat Staffan de Mistura, a former UN special envoy in Iraq, Afghanistan and Syria, whose name Guterres had put forward six months earlier. The Polisario accepted his nomination, but Morocco appeared to reject it at first, citing de Mistura's expertise in "hot wars" (the kingdom claims that Western Sahara is a frozen conflict and rejects the Polisario's claims that attacks have resumed) and his alleged intention to return to bilateral negotiations rather than use Köhler's roundtable format, in which Algeria and Mauritania were observers.⁸⁶ A former MINURSO official argued, however, that Rabat's real goal was to delay resuming talks and that its arguments (particularly that de Mistura would want to revert to bilateral talks) were intended only to waste time.⁸⁷ A French official also described Morocco's initial rejection of de Mistura as a reprisal for Polisario's rebuff of another candidate.⁸⁸ Following discreet but intense U.S. lobbying to convince Morocco to accept de Mistura, Rabat reportedly assented in September.⁸⁹

Yet the concord on de Mistura's appointment conceals important disagreements between the two sides. The negotiating format is a major sticking point, as is the preferred way forward. The Polisario sees the new envoy's installation as a necessary but insufficient step toward the resumption of dialogue. Some Polisario officials also demand a return to bilateral talks, because they reject Morocco's narrative that compromise over Western Sahara requires Algerian and Mauritanian consent (hence the roundtable format with Algeria and Mauritania) and consider it strictly a struggle by a colonised population for national liberation from a colonial power. Some also raise

⁸⁵ "UN urges Morocco, Polisario to accept candidate for W Sahara post", Al Jazeera, 2 July 2021.

⁸⁶ Kenza Filali, "Sahara : le Polisario a accepté Staffan de Mistura comme émissaire de l'ONU", *Le Desk*, 21 May 2021; and "Envoyé personnel au Sahara: pourquoi Rabat s'est opposé à la candidature Staffan de Mistura", *Tel Quel*, 1 July 2021. Köhler organised two rounds of talks in Geneva between 2018 and 2019. Morocco extracted an important concession: the meeting was organised as a "roundtable", with Algeria and Mauritania participating, even though their status as observers did not change. Rabat considers Western Sahara a regional issue and Polisario an Algerian proxy; for this reason, it wants both Algeria and Mauritania at the table. By contrast, Algiers and Nouakchott see the conflict as a bilateral issue between Morocco and the Front about decolonisation and have only accepted the roundtable format because of their status as observers, not full participants. See Crisis Group Middle East and North Africa Briefing N°82, *Time for International Re-engagement on Western Sahara*, 11 March 2021.

⁸⁷ Crisis Group correspondence, former MINURSO official, September 2021.

⁸⁸ Crisis Group telephone interview, French official, April 2021.

⁸⁹ Crisis Group telephone interviews, British and U.S. diplomats, September 2021.

the possibility of mediation led by the African Union (AU).⁹⁰ On the way forward, the Front seeks a diplomatic reset, ie, a return to the 1991 Settlement Plan and a common view that the self-determination referendum is the solution to the conflict.

Rabat rejects the idea of changing the negotiating format, saying it wants to preserve the roundtable setup because in its view the Polisario cannot make a decision about anything without Algeria's say-so.⁹¹ It also rejects an AU role, as it considers this body biased toward the Front.⁹² On the way forward, Moroccan officials say the past 30 years have shown that the 1991 Settlement Plan does not work and that a self-determination referendum is not a middle-ground proposal. Instead, they hold up the kingdom's 2007 autonomy plan as the preferred solution.⁹³

B. *The Biden Administration Sidesteps the Trump Announcement*

Washington's opaque position on Western Sahara is a further obstacle to returning to negotiations. On 10 December 2020, President Donald Trump announced on Twitter that the U.S. had officially recognised Moroccan sovereignty over the territory, breaking with decades of U.S. policy. In return for this decision, the kingdom agreed to establish diplomatic ties with Israel.⁹⁴ Since President Joe Biden's November 2020 election, the parties have been waiting to see if his administration would confirm or revoke his predecessor's move. Shortly after Biden won, the incoming administration announced a review of Trump's most controversial foreign policy decisions, including Western Sahara.⁹⁵

Yet, since taking office, no doubt in part because the issue is divisive, the administration has preferred to avoid dealing with the Trump announcement. The first declaration on the conflict by a U.S. official came only at the end of March 2021, when Secretary of State Antony Blinken mentioned the urgency of restarting talks and appointing a new envoy in a conversation with Guterres, while evading the question of Morocco's sovereignty over the territory.⁹⁶ Since then, Washington has avoided taking a clear stance, as revoking recognition would antagonise Rabat and endanger Morocco's normalisation with Israel, while confirming it could trigger a negative reaction from members of Congress who came out against the Trump announcement and exacerbate tensions in Western Sahara.⁹⁷ Undoing Trump's move would also

⁹⁰ Crisis Group interviews, Polisario officials, Tindouf, June 2021; Crisis Group telephone interview, Polisario diplomat, February 2021.

⁹¹ Crisis Group interviews, Moroccan diplomats, Washington and Rabat, April and June 2021.

⁹² "This latest Western Sahara decision is crucial for the AU and the PSC because the AU has taken a formal decision to limit the PSC's involvement in a crisis in Africa", PSC Report, 22 August 2018.

⁹³ Crisis Group interviews, Moroccan diplomats, Washington and Rabat, April and June 2021.

⁹⁴ "Proclamation on Recognizing the Sovereignty of the Kingdom of Morocco over the Western Sahara", White House, 10 December 2020. See also Crisis Group Briefing, *Time for International Re-engagement on Western Sahara*, op. cit.

⁹⁵ Karen DeYoung, "Pompeo's last-minute actions on foreign policy will complicate Biden's plans for a new direction", *The Washington Post*, 16 January 2021.

⁹⁶ "Secretary Blinken's Meeting with UN Secretary-General Guterres", U.S. Department of State, 29 March 2021.

⁹⁷ Crisis Group telephone interview, U.S. diplomat, April 2021. See also Joseph Stephansky, "Why Biden's Western Sahara policy remains under review", *Al Jazeera*, 13 June 2021. In February 2021,

risk triggering Israel's opposition, as Morocco could then freeze or reverse its gradual warming of diplomatic ties with Israel. A former U.S. foreign policy official said:

What is President Biden going to do? If he reverses and says: "We will not regard Western Sahara as part of Morocco", the Moroccans will freeze any negotiations and that's the end of anything on Western Sahara for the coming four years. But suppose that they say this is a complicated issue: "We are going to think about it long and hard, and meanwhile we would like to help the people take some pragmatic steps". It's conceivable that some pragmatic steps can be taken on the ground level, like resuming family visit exchanges, improving conditions in the camps, the sort of thing USAID people can do to support the policy.⁹⁸

Whatever the reason, the Biden administration has aimed to defuse tensions between Morocco and the Polisario. The U.S. attempted a modest diplomatic initiative at the UN Security Council in April, but it failed to gain momentum. Washington put forward draft "press elements" to the Council to urge both sides to avoid escalation and called for appointment of a new envoy.⁹⁹ India rejected the proposal, arguing that without an envoy in place a Council-approved product that did not outline a specific course of action would encourage each party to interpret the phrasing in its own interest, thus further destabilising the situation.¹⁰⁰ French and U.S. diplomats were caught by surprise and suspected Moroccan lobbying behind New Delhi's position.¹⁰¹

Since this failure, the Biden administration has avoided further such efforts, focusing instead on the appointment of a new envoy. A U.S. diplomat indicated that, without an envoy and short of major developments on the ground, Washington was not going to issue a statement on Western Sahara. In the weeks after the Security Council kerfuffle, U.S. diplomats stepped up pressure on Morocco to reverse its early rejection of de Mistura.¹⁰²

By sidestepping the Trump announcement and instead focusing on the envoy appointment process, the U.S. has temporarily preserved its credibility as an honest broker in the eyes of both Morocco and the Polisario. Faced with a hard-to-decipher policy, neither side is ready to denounce it. Indeed, thus far Rabat is pleased with the Biden administration's posture. While the U.S. position has not given Washington much leverage over Morocco (because Rabat knows that reversal of the Trump announcement is unlikely), the kingdom realises that it needs to accommodate the Biden administration's requests (such as accepting de Mistura) to preserve U.S. good-will and a solid bilateral relationship. A Moroccan diplomat said: "What we are hearing

27 members of Congress from both sides of the aisle sent a letter to the Biden administration urging it to reverse the U.S. recognition of Moroccan sovereignty over Western Sahara.

⁹⁸ Crisis Group interview, former U.S. official, Washington, April 2021.

⁹⁹ According to the "UN Security Council handbook", "remarks to the press", also known as 'press elements', are read out by the Council president to the press but are not issued in writing. They are not fully agreed text but rather elements which have been approved by the members".

¹⁰⁰ Crisis Group telephone interviews, Indian and U.S. diplomats, April 2021.

¹⁰¹ Crisis Group telephone interviews, French and U.S. diplomats, April 2021.

¹⁰² Crisis Group telephone interviews, U.S. diplomat, April and September 2021.

[from the U.S.] is positive and reassuring. If they wanted to reverse [the Trump] decision, they would have given us different signals”.¹⁰³

From the other side, a Polisario diplomat said the Biden administration’s initiative at the UN Security Council showed that its position differed from Trump’s and was instead consistent with Washington’s traditional diplomatic role in the conflict.¹⁰⁴ Another Sahrawi official was more guarded, saying:

The current administration has distanced itself from Trump’s legacy in foreign policy. We consider the U.S. a great power that shoulders a heavy responsibility. ... We want to give [Washington] a bit more time to avoid jumping to conclusions regarding its good faith and contribution to settling this dispute.¹⁰⁵

C. *The Europeans’ Timid Stance*

The Trump announcement emboldened Rabat, which began lobbying friendly European governments such as France and Spain to emulate the U.S. in recognising its sovereignty over Western Sahara.¹⁰⁶ A French official described the kingdom’s new approach as follows: “They seem very confident and at the same time more inflexible. The impression is that they want to cash in as much as possible now [by seeking recognition from others]”.¹⁰⁷

Faced with Rabat’s stance, Washington’s ambiguous approach and a diplomatic stalemate, France has kept a low profile, avoiding public statements or diplomatic initiatives. Despite its traditionally pro-Morocco position, Paris has never seriously considered recognising Rabat’s sovereignty over the territory. A French diplomat said Washington needs to clarify its strategy if it wants to push the two sides to end hostilities and resume talks.¹⁰⁸ France’s position in support of the kingdom’s autonomy plan is enough to please Rabat while avoiding running afoul of international law or relevant UN Security Council resolutions.¹⁰⁹

Spain has also tried to maintain a delicate balancing act. It was irritated by the Polisario’s November 2020 blockade of the Guerguerat road and later relieved by Rabat’s success in forcibly reopening the important artery.¹¹⁰ Since then, however, it has tried to stay neutral due to strong support among the Spanish public for the Sahrawi independence movement and Spain’s historical role as the former colonial occupier, which makes it hard for Madrid to take a pro-Rabat stance. Madrid accordingly resisted Rabat’s pressure to recognise Moroccan sovereignty over Western Sahara.¹¹¹

A major diplomatic spat with Rabat then upset the bilateral relationship. In early May, Spain allowed Polisario leader Brahim Ghali, ill with COVID-19, to be hospital-

¹⁰³ Crisis Group interview, Moroccan diplomat, Washington, April 2021.

¹⁰⁴ Crisis Group interview, Polisario diplomat, Tindouf, June 2021.

¹⁰⁵ Crisis Group interview, Polisario official, Tindouf, June 2021.

¹⁰⁶ Crisis Group interviews, French and Spanish officials, May 2021.

¹⁰⁷ Crisis Group telephone interview, French officials, April 2021.

¹⁰⁸ Crisis Group telephone interview, French official, July 2021.

¹⁰⁹ Crisis Group interview, French official, April 2021.

¹¹⁰ See Crisis Group Briefing, *Time for International Re-engagement on Western Sahara*, op. cit.

¹¹¹ Crisis Group interview, Spanish official, May 2021.

ised in the city of Logroño. Morocco protested that Madrid had not consulted the kingdom about the decision, reminding the Spanish government that Ghali was under investigation in Spain on various charges, including alleged human rights violations in the refugee camps for which the Polisario (and therefore Ghali as its secretary-general) would be responsible.¹¹² Tensions escalated mid-month, when the kingdom allegedly let 9,000 migrants, mostly Moroccans, cross the border into the Spanish enclave of Ceuta, overwhelming its services.¹¹³ While Moroccan border police resumed normal patrols within days, the European Parliament adopted a motion against Rabat's behaviour, prompting Moroccan Foreign Minister Nasser Bourita to accuse Madrid of attempting to "Europeanise" the row (though Spain had no evident role in the Parliament's move).¹¹⁴ But after Spain named a pro-Moroccan foreign minister in July, ties gradually improved again.¹¹⁵

Germany has also been mired in longstanding diplomatic tensions with Morocco. Following the resumption of hostilities and the Trump announcement, Berlin was the only UN Security Council member to push for a closed-door session to discuss the ceasefire's collapse. It obtained one in December 2020.¹¹⁶ Germany's activist stance cooled relations with Morocco, as Rabat denies that a war is going on in Western Sahara and says there is no need to discuss the situation. For Morocco, the ceasefire's breakdown is little more than a nuisance. Germany's decision to raise Western Sahara at the UN Security Council was one of several factors contributing to Rabat's decision to freeze all contacts with Berlin and to withdraw its ambassador in May 2021. (Morocco also cited Berlin not inviting Rabat to its Libya conference in January 2020 – Algeria took part – and its refusal to arrest or expel Mohamed Hajib, a Moroccan online activist based in Duisburg.¹¹⁷)

The European Union (EU) has limited its role to reiterating its commitment to UN-led diplomacy, avoiding taking any initiative of its own on what its officials consider a divisive issue within the bloc. Following the Trump announcement, Brussels highlighted that it still saw Western Sahara as a "non-self-governing territory" and stressed its support for UN-led mediation.¹¹⁸ While EU officials believe that a negotiat-

¹¹² At a later court hearing, Ghali denied all charges, and the prosecutor allowed him to leave the country. "El juez rechaza imponer medidas cautelares contra el líder del Frente Polisario", *Público*, 1 June 2021.

¹¹³ Crisis Group interviews, Spanish official, Moroccan diplomat, May 2021. See also "Migrants reach Spain's Ceuta enclave in record numbers", BBC, 18 May 2021; and Mehdi Mahmoud, "Sebta : sur Europe 1, Nasser Bourita blâme l'Espagne et cherche à rassurer l'Europe", *Tel Quel*, 23 May 2021.

¹¹⁴ Omar Brouksy, "Le Maroc isolé par le Parlement européen", *Orient XXI*, 21 June 2021.

¹¹⁵ Mateo Balín, "La vuelta a España de la embajadora de Marruecos cierra la crisis diplomática", *La Voz de Galicia*, 30 August 2021. Ceuta is one of two small Spanish territories (the other being Melilla) located on the North African coast and bordering Moroccan lands. Spain sent most of the migrants back to Morocco shortly after the incident, but a few thousand underage and unidentified Moroccans were still in the enclave a few weeks later. Jesus Canas and Maria Martin, "Thousands of migrants remain in Ceuta as Morocco blocks deportations", *El País*, 1 June 2021.

¹¹⁶ Michelle Nichols, "U.N. Security Council talks Western Sahara after Trump policy switch", Reuters, 22 December 2020.

¹¹⁷ Crisis Group interviews, German official, Moroccan diplomat, May 2021. See "Tensions rise between Morocco and Germany", Deutsche Welle, 8 May 2021.

¹¹⁸ Jacopo Barigazzi, "EU stresses UN peace process after US U-turn on Western Sahara", *Politico Europe*, 10 December 2020.

ed solution is the only workable outcome to the conflict, they are sceptical about their ability to influence a dispute that France and Spain prefer to manage bilaterally.¹¹⁹

D. *Escalating Tensions with Algeria*

The Trump announcement destabilised the historically complex relationship between Morocco and Algeria. Renewed fighting in Western Sahara and Rabat's normalisation with Israel have further strained relations between the two North African rivals.¹²⁰ An Algerian diplomat explained the frictions as follows:

What is sure is that relations between Algeria and Morocco have not been stable since [Algeria's] independence [in 1962]. At times, they get stronger and at other times they become tense. This is due to Morocco's expansionist drive and the reinforcement of its influence at the expense of Algeria's living space.¹²¹

Since November 2020, Algeria has reiterated its long-time support of the Sahrawi independence cause. Officials and activists underline the parallel between Algeria's war of liberation from French colonial rule and the Sahrawi struggle, as well as their country's strict adherence to international law, in view of the 1975 International Court of Justice's advisory opinion on Western Sahara (which rejected Morocco's claims to this territory) and the fact that the UN classifies Western Sahara as a "non-self-governing territory".¹²² Moreover, Algiers has consistently provided humanitarian aid to the refugee camps in Tindouf and diplomatic backing to the Front.¹²³

Bilateral ties took a turn for the worse in July 2021, when international media reported on an espionage scandal involving Rabat and Algiers. According to an investigation by the non-governmental organisations Forbidden Stories and Amnesty International, Morocco installed spyware on the mobile phones of several Algerian officials and citizens to listen in on their conversations. Algeria condemned this behaviour and recalled its ambassador "for consultations".¹²⁴

In the following weeks, the quarrel escalated. During a mid-July meeting of the non-aligned movement, the Moroccan ambassador to the UN responded to Algerian Foreign Minister Ramtane Lamamra's declaration of support for Sahrawis' right to self-determination by calling in turn for self-determination for the people of Algeria's Amazigh-majority Kabylia region.¹²⁵ In August, Algiers cut ties with Rabat. In a strongly worded statement, Lamamra attacked Rabat for normalising relations with

¹¹⁹ Crisis Group telephone interview, EU officials, August 2021.

¹²⁰ Crisis Group interviews, Algerian diplomats, pro-Polisario Algerian activist, Algiers, December 2020 and June 2021.

¹²¹ Crisis Group interview, Algerian diplomat, Algiers, December 2020.

¹²² "Advisory Opinion on Western Sahara", International Court of Justice, 16 October 1975; and List of Non-self-governing Territories, UN.

¹²³ Crisis Group interviews, Algerian diplomats, pro-Polisario Algerian activist, Algiers, December 2020 and June 2021.

¹²⁴ "Pegasus : l'Algérie, 'profondément préoccupée', condamne l'utilisation du logiciel par le Maroc", *Le Monde*, 23 July 2021. The Pegasus scandal also involved Rabat allegedly spying on French officials. Paris avoided escalating the matter and did not respond. Morocco denied all the allegations. See Anis Bounani, "Pegasus : une affaire marocaine, vraiment ?", *Le Point*, 28 July 2021.

¹²⁵ "Kabylie. Voici ce qu'a exactement dit Omar Hilale", *Médias 24*, 22 July 2021.

Israel and accused it of supporting two organisations banned by the Algerian government, the Self-Determination Movement for Kabylia and Rachad, an Islamist group. He also accused Morocco of undermining the Western Sahara peace process, in an attempt to “impose [its] diktat on the international community regarding the supposed pre-eminence and exclusivity of [its] autonomy plan”.¹²⁶

E. *Pushback at the African Union*

Rabat’s policy toward the conflict encountered some initial successes at the AU but lately has met with considerable resistance. Since Morocco rejoined the AU in 2017, Western Sahara has again become a divisive issue within the organisation.¹²⁷ In recent years, Rabat has boosted its investment in and trade with the rest of the continent, particularly West Africa, but its readmission did not come easily, with continental heavyweights such as South Africa and Algeria trying to block it.¹²⁸ Nevertheless, in July 2018, shortly after its readmission, Rabat scored a big victory at the Nouakchott summit, as the AU Assembly agreed to limit the organisation’s role in the conflict to backing the UN-led process through a troika composed of the outgoing, current and incoming chairpersons.¹²⁹ This decision reversed the Assembly’s January 2018 support for joint AU-UN talks aimed at facilitating a self-determination referendum and ignored the roles of the Committee of the Heads of State and Government on Western Sahara and of the AU’s high representative for Western Sahara, former Mozambican President Joaquim Chissano, in trying to mediate between Morocco and the Polisario.¹³⁰

In the following years, the issue continued to garner significant attention among African countries. In March 2019, the pro-Polisario Southern African Development Community organised a solidarity conference with the people of Western Sahara, attended by the heads of state of Lesotho, Namibia, South Africa, Zimbabwe and Uganda. The group’s final declaration reiterated support for the territory’s decolonisation and self-determination. At the same time, Morocco organised a meeting in Marrakech with representatives from 36 African countries. The final statement from that gathering expressed, by contrast, support for the UN framework and a negotiated solution to the conflict.¹³¹

The debate inside the AU heated up again after the resumption of hostilities and the Trump announcement. In December 2020, the AU Assembly called for revitalising the troika mechanism; discussing Western Sahara at the heads of state level;

¹²⁶ “Déclaration de Lamamra sur la rupture des relations diplomatiques avec le Maroc”, Algérie Presse Service, 24 August 2021.

¹²⁷ Rabat quit the Organisation of African Unity (the AU’s predecessor) in 1984 in protest over the body’s admission of the Sahrawi Arab Democratic Republic.

¹²⁸ Celeste Hicks, “Why did the African Union readmit Morocco after its 33 years in the cold?”, *African Arguments*, 2 February 2017.

¹²⁹ Crisis Group telephone interview, South African diplomat, July 2021. See “31st Ordinary Session, Nouakchott, Mauritania”, Assembly of the African Union, Assembly/AU/4(XXXI), 1-2 July 2018.

¹³⁰ Crisis Group telephone interview, South African diplomat, July 2021. See “30th Ordinary Session, Addis Ababa, Ethiopia”, Assembly of the African Union, Assembly/AU/Dec.677(XXX), 28-29 January 2018.

¹³¹ “Africa’s divisions over Western Sahara could impact the PSC,” ISS Africa, 17 April 2019.

ending the fighting; and encouraging the appointment of a UN envoy.¹³² In March 2021, the AU's Peace and Security Council followed suit, calling not only for reviving the troika, but also for reopening the AU office in Laayoune; sending the AU council on a field visit; getting the high representative for Western Sahara re-engaged; and soliciting a UN legal opinion on opening African consulates in Western Sahara.¹³³ These actions amounted to a reversal of the 2018 Nouakchott summit and a return to the AU's traditional stance. Some AU member states, however, privately signalled their displeasure and vowed to block future initiatives regarding this file.¹³⁴

These deep divisions and Morocco's refusal to deal with issues relating to Western Sahara outside the UN framework have undermined the AU's ability to play an effective role. Since June 2019, a number of African (and also Middle Eastern) governments have agreed to open consulates in Moroccan-controlled Western Sahara, thus seeming to affirm Rabat's claim to sovereignty over the territory.¹³⁵ These steps have helped widen the gap between pro-Morocco and pro-Polisario countries.¹³⁶ In turn, the discord has weakened its ability to weigh in on the conflict, even when implementing its own decisions. For example, the troika has not reported on the issue since 2018, leading countries like Algeria and South Africa to criticise this arrangement's effectiveness.¹³⁷ For its part, Morocco has refused to meet with the AU high representative for Western Sahara and continues to oppose the reopening of the AU office in Laayoune.¹³⁸

F. *The EU's Trade Agreement with Morocco*

Since 2012, when the EU and Morocco struck a trade agreement, the bloc's commercial policy has turned into a virtual battlefield in the conflict between the kingdom and the pro-independence movement. The deal allowed for higher import quotas of produce and fish from Rabat. As the document did not expressly exclude Western Sahara from its provisions, the EU and Morocco considered it to de facto apply to the disputed territory. The Polisario challenged the agreement at the EU Court of Justice, which in 2016 ruled that the EU and Morocco cannot include Western Sahara in the treaty's territorial scope. Moreover, recalling that the Front enjoys international legal recognition and is directly affected by the agreement, the judges added

¹³² Crisis Group telephone interview, South African diplomat, July 2021. See also "14th Extraordinary Session (on Silencing the Guns), Johannesburg, South Africa", Assembly of the AU, 6 December 2020.

¹³³ Communiqué of the 984th meeting of the PSC held on 9 March 2021, on the follow-up on the implementation of Paragraph 15 of the decision on Silencing the Guns of the 14th Extraordinary Summit.

¹³⁴ Crisis Group telephone interviews, European diplomats, AU officials, June 2021.

¹³⁵ Since June 2019, the following African countries have opened consulates in Morocco-controlled Western Sahara: Burkina Faso, Burundi, the Central African Republic, the Comoros, Côte d'Ivoire, the Democratic Republic of Congo, Djibouti, Equatorial Guinea, Eswatini, Gabon, Gambia, Guinea Bissau, Guinea (Conakry), Liberia, Malawi, Sao Tomé and Príncipe, Senegal and Zambia. In addition, Bahrain, Jordan, the United Arab Emirates, Haiti and Suriname have established diplomatic missions in the territory.

¹³⁶ Crisis Group telephone interview, South African diplomat, June 2021.

¹³⁷ Crisis Group telephone interviews, Algerian and South African diplomats, June 2021.

¹³⁸ Crisis Group telephone interviews, European and South African diplomats, June 2021.

that the local population must be considered a third party to the accord and that, for the document to legally include Western Sahara, Sahrawis would need to consent.¹³⁹

The EU and Morocco responded to the ruling by amending the agreement. In 2019, the EU Council approved a new treaty, which explicitly included Western Sahara in its territorial scope. The European Commission also conducted a series of consultations with locally elected representatives, businessmen and Sahrawi organisations before the deal. At the end of September 2021, the EU Court of Justice struck down these amendments.¹⁴⁰ The judges accepted the Polisario's claims that "consultation" does not equal "consent" and that the Front is the Sahrawi people's sole legitimate representative.¹⁴¹ Because the ruling does not immediately invalidate the trade agreement, it opens a window for the European Commission and the EU Council to decide whether to amend the deal to exclude Moroccan-controlled Western Sahara or to explore a different framework that might be more palatable to Rabat.¹⁴²

Polisario supporters argue that the current agreement normalises the Moroccan occupation of Western Sahara and penalises its Sahrawi population. In 2019 alone, Europe imported €434 million worth of fish, tomatoes, cucumbers and melons from Western Sahara. Around Dakhla, the production of tomatoes and cucumbers (much of which were exported to Europe) went up by 2,800 per cent from 2009 to 2020, while the production of melons increased by 500 per cent.¹⁴³ Pro-independence activists allege that these activities benefit only a handful of Moroccan agricultural companies and a few Sahrawi notables and military officers, and that most workers in farming and fishing are Moroccans, not Sahrawis.¹⁴⁴ They argue that the EU should deal with Western Sahara as it does with Palestine, ie, by labelling goods originating from occupied territory as such and discontinuing preferential treatment. They point to Morocco's free trade agreements with the U.S. and the European Free Trade Association as examples of arrangements that explicitly exclude Western Sahara.¹⁴⁵

EU officials are reluctant to consider removing Western Sahara from the agreement and could use the latitude afforded by the Court to come up with another approach. They are sceptical that negative economic incentives, such as reintroducing customs on Western Saharan exports, could encourage the kingdom to accept a compromise.¹⁴⁶ They point to Morocco's hard-nosed reaction in 2016, when Rabat froze all contacts with Brussels following the Court's verdict against the inclusion of

¹³⁹ "Label and Liability", Western Sahara Resource Watch, 18 June 2012; and "Above the Law", Western Sahara Resource Watch, 3 December 2020.

¹⁴⁰ "Press Release no 166/21", General Court of the European Union, 29 September 2021.

¹⁴¹ Crisis Group telephone interview, pro-Polisario European activists, June 2021. See also "Above the Law", op. cit.

¹⁴² Nina Kozłowski, "Accords commerciaux UE-Maroc sur le Sahara : comment Rabat peut riposter", *Jeune Afrique*, 1 October 2021.

¹⁴³ "Western Sahara returns to European Court of Justice", France 24, 28 February 2021; and "Derechos Humanos y Empresas Transnacionales en el Sáhara Occidental", Mundubat, July 2020.

¹⁴⁴ Crisis Group telephone interviews, pro-Polisario European activists, June 2021. See also "Label and Liability", "Above the Law" and "Derechos Humanos y Empresas Transnacionales en el Sáhara Occidental", all op. cit.

¹⁴⁵ Crisis Group telephone interviews, pro-Polisario European activists, June 2021.

¹⁴⁶ Crisis Group telephone interview, EU officials, August 2021.

Western Sahara, and consider the issue too divisive within the EU.¹⁴⁷ Indeed, in the September ruling's immediate aftermath, Brussels rushed to reassure Rabat that the decision would not affect their relationship. EU High Representative for Foreign Affairs Josep Borrell and Moroccan Foreign Minister Bourita issued a joint statement to highlight their desire to "take the necessary measures to ensure the legal framework which guarantees the continuity and stability of trade relations" between Brussels and Rabat.¹⁴⁸

¹⁴⁷ Crisis Group telephone interview, EU officials, August 2021; and "Morocco freezes relations with EU over trade deal ruling", Africa News, 26 February 2016.

¹⁴⁸ "Déclaration conjointe du Haut représentant/Vice-Président Borrell et du Ministre des Affaires étrangères, de la Coopération Africaine et des Marocains Résidant à l'Etranger du Maroc, Bourita", European External Action Service, 29 September 2021.

V. Relaunching Negotiations

The ceasefire collapse and Trump announcement failed to stir an international sense of urgency regarding the conflict. Persistent inaction by the UN Security Council and the Biden administration, and the AU and the European governments' internal divisions, attest both to the low priority that world powers give the issue, and how contentious it is. External actors may be unperturbed by the Polisario's military campaign and Rabat's response due to the war's limited human toll.

Morocco's tough approach has deepened external actors' hesitancy to tackle the issue head on. Since December 2020, Rabat has pushed friendly European governments to recognise its sovereignty over Western Sahara and has reacted forcefully to Germany's attempts to draw international attention to the conflict, as well as to the Polisario leader's hospitalisation in Spain. Likewise, in an effort to push back on Algiers, it has not hesitated to make comparisons between Western Sahara, which is still on the UN's non-self-governing territories list, and Algeria's Kabylia, whose international legal status has never been in question. These incidents have highlighted the kingdom's zero-tolerance policy regarding any external attempt to reconsider a status quo that has evolved largely in its interest.

The gap between Morocco and its allies, on one hand, and the Polisario Front and refugees in the Tindouf camps, on the other, has only widened. Pro-independence Sahrawis refuse to give up on their right to self-determination and, having lost faith in external mediation, believe that fighting is the only solution. They are prepared for a long war both in Western Sahara and in the EU's courts until they can alter the balance of power and reset the terms of diplomacy.

This growing gulf and a series of diplomatic and military incidents highlight the conflict's potential risks. Morocco's diplomatic crises with Germany and Spain and rising tensions with Algeria are a reminder that the idea of a conflict with limited repercussions may be a bit too rosy. Tensions over Western Sahara can destabilise regional politics, jeopardise collaboration between European governments and North African partners, and complicate management of migration flows in the Mediterranean. While the risk of a significant military escalation is low at the moment, it could increase if pro-independence Sahrawis embrace more daring tactics, such as targeting military or industrial sites inside Western Sahara. In turn, Morocco's alleged use of a drone in the killing of a Polisario police officer points to the possible introduction of more lethal weaponry into the conflict.

Against this backdrop, UN Envoy de Mistura's appointment opens up new opportunities for diplomacy. Avoiding a further deterioration requires military de-escalation, confidence-building measures, resumption of UN-led talks between the two sides and renewed support from the main external powers. The installation of a UN representative was an essential step to allow diplomatic consultations to resume and fill a void that has empowered hardliners on both sides. But the appointment, in itself, is not sufficient to end the war and convince Morocco and the Polisario to go back to talks. A further effort will be needed: rebuilding confidence and rethinking the incentives to entice Morocco and the Front back to the negotiating table and encourage both sides to remain engaged and make difficult yet necessary concessions toward a mutually acceptable compromise.

A. *Reviving Talks*

With the MINURSO mandate's renewal scheduled for discussion in late October, the U.S. should seek to use de Mistura's appointment to inject fresh momentum into efforts to de-escalate the conflict. For the new envoy to succeed in his mission to bring the parties back to the table, he will need the U.S. to signal its intention to re-engage with the efforts to resolve the conflict. As the penholder on this issue at the UN Security Council, Washington has a key role to play in shaping Morocco's perceptions and behaviour, as well as the Polisario's. While the Biden administration might be reluctant to clarify its position on the Trump announcement, it should be ready to increase pressure on both sides to engage constructively in talks, for example by shortening the MINURSO mandate to six months, which would force more frequent and public discussions at the Council.¹⁴⁹ Likewise, to pressure Rabat and entice the Polisario, it could consider adding to the next resolution language referring to the need for a "realistic, practicable and enduring political solution", which would evoke Western Sahara's right to self-determination.¹⁵⁰

Meanwhile, other international actors should ramp up discreet engagement with Morocco and the Polisario to signal their support for U.S. efforts and prepare the terrain for the new UN envoy. France, Spain and the AU should make clear to Rabat that accepting the new UN envoy is only the first step and that it should be ready to work with de Mistura without preconditions; for example, it should not insist on first reinstating the ceasefire or renegotiating the format of talks. Likewise, Algeria and the AU should press the Polisario to reduce or end its military activities and soften their stance related to future negotiating arrangements.

With this international backing, the envoy should first seek to rebuild confidence between the two sides. Trust between Morocco and the Polisario is at a 30-year low after almost a year of fighting.¹⁵¹

The first challenge that de Mistura is likely to face will be negotiating a cessation of hostilities. Front officials and pro-independence activists see the 1991 ceasefire as a strategic mistake they should not repeat, because they believe it cost them all leverage with Morocco during subsequent negotiations.¹⁵² The UN envoy would therefore do better to propose confidence-building measures to de-escalate the conflict. In a possible interim deal, the Polisario could agree to unilaterally halt attacks along the sand berm in return for Morocco ending its repression of pro-independence Sahrawi activists. Both sides could also agree to resume permitting family visits by Sahrawis in the refugee camps and in Western Sahara under UN supervision. The U.S. Agency

¹⁴⁹ At present, the Council holds two meetings per year, but only one of these is an open-door event.

¹⁵⁰ Western Sahara's right to self-determination is recognised in a series of resolutions by the UN Security Council and UN General Assembly, as well as by a 1975 International Court of Justice ruling. See Stephen Zunes, "Western Sahara: Self-Determination and International Law", Middle East Institute, 2 April 2008.

¹⁵¹ Crisis Group interviews, Moroccan diplomats, Washington and Rabat, April and May 2021; Crisis Group interviews, Polisario officials, Tindouf, June 2021.

¹⁵² Crisis Group telephone interviews, Moroccan diplomat, Polisario diplomat, January 2021. After its November 2020 intervention in Guerguerat, Rabat has decided to keep a permanent military presence in this area, which falls inside the buffer zone. The Polisario has denounced this decision as a violation of the 1991 ceasefire and a further reason not to return to it.

for International Development and EU could back up these efforts by increasing their humanitarian support for the refugees in Tindouf as a sign of U.S. and European commitment to keep engaging on conflict resolution.¹⁵³

De-escalation and confidence-building measures should not become preconditions for resuming negotiations, however. If he fails to gather momentum on any of these initiatives, the new envoy should then focus on relaunching negotiations and asking both sides to put forward new proposals. De Mistura should seek to resume the 2018-2019 Geneva roundtable setup, as any revision to the format used by Köhler would risk wasting precious time and political capital by triggering Rabat's rejection and fuelling diplomatic tensions on an issue (bilateral versus regional talks) that has little relevance to the conflict. If this effort were to fail, the envoy should explore with both sides what the negotiating format ought to be. If tensions between Algeria and Morocco prove to be an obstacle to resuming negotiations on Western Sahara, he should also offer to mediate or facilitate dialogue between these countries so that their dispute does not have undue repercussions for Western Sahara deliberations.

Once the two parties accept to resume talks, the envoy should ask them to submit a revised version of their respective plans for resolving the conflict (starting from the 2007 autonomy plan for Morocco and the 1991 UN Settlement Plan for the Polisario). The envoy should encourage the parties to introduce amendments to reflect past failures and attempt to bridge gaps. These proposed changes could then form the basis of the next round of talks.

If this process takes off, de Mistura should consider consulting regularly with civil society and interest groups on both sides of the conflict. In Moroccan-controlled Western Sahara and the refugee camps, a diversity of views regarding the dispute has emerged over the past decades, weakening the two parties' hold on public opinion. While Morocco and the Polisario are still capable of broadly representing their respective populations' interests, the UN diplomat should be mindful of hardliners and dissenters in both camps. These constituencies (Sahrawi elites, human rights activists, Polisario dissidents, young refugees) should be allowed to put forward their ideas, even if just indirectly through the UN representative's consultations. Their involvement could bring fresh perspectives to the conversation. It could also ensure that hardliners' concerns are aired, reducing the risk that they will try to spoil a future agreement.

B. *Keeping the Pressure On*

Given the reluctance of many to put direct pressure on the two sides about what they see as a low-priority conflict, foreign actors should support the UN-led process by bringing a mix of financial incentives to the table. The conflict has an important and often underestimated political economy that needs to be addressed to increase the attractions of compromise. Western Saharan elites' fear of losing access to their benefits and control over patronage networks, Sahrawis' rejection of the status quo and young refugees' demand for better socio-economic conditions have played a major role in the 2020-2021 escalation. External powers should use carrots and sticks to encour-

¹⁵³ "Food Assistance Factsheet – Algeria", USAID.

age these constituencies to soften their positions and put pressure on Morocco and the Polisario to remain engaged in negotiations and reach a sustainable compromise.

Concretely, in light of the European Court of Justice's opposition to the EU trade agreement with Morocco, as framed, the EU should comply with this ruling by reintroducing quotas and tariffs on produce and fish from Western Sahara. Rather than appealing this verdict or attempt to circumvent it, as it has done in the past, Brussels could apply this negative incentive to put pressure on those Sahrawi elites and Moroccan officers who are among the main beneficiaries and supporters of the status quo. Removing produce and fish from the trade deal would raise the cost of diplomatic stalemate and encourage these important constituencies to support compromise. While Rabat would predictably retaliate diplomatically, the EU could argue that it is respecting a binding legal ruling and point to its differentiation policy with regard to Israel-Palestine as precedent.¹⁵⁴

As for positive incentives, outside powers should offer to establish an international development fund for Western Sahara to be activated only in case of a mutually acceptable compromise between the two sides. Between Western Sahara and the refugee camps, the Sahrawi population numbers less than one million. The resources needed to promote job creation and infrastructure building for this territory would be relatively inexpensive for the U.S. and European states, which could ask the International Monetary Fund, the World Bank and the African Development Bank to chip in as well. These actors should first create jobs and build affordable housing, thereby addressing two of the local population's major concerns, as well as resettle refugees in Western Sahara. This fund could reassure Sahrawi notables and representatives of their political and economic survival in a transition to a new political arrangement (whether autonomy or independence). At the same time, it could entice part of the Sahrawi population in Western Sahara and the youth in the camps to accept a negotiated solution.

International actors should also consider guaranteeing the sanctity of certain property rights for both the Sahrawi elite and Moroccans in Western Sahara. For example, external players and the UN envoy could encourage the Polisario to offer unlimited or time-bounded assurances about existing assets and licences in the Moroccan-controlled side of the territory to assuage fears about the future status of investments in sand mining, transport, fisheries and other sectors. As these concessions would infringe upon a future arrangement for Western Sahara, the international development fund for Western Sahara should also include special measures to compensate the other constituencies (eg, Sahrawi youth or refugees resettling in Western Sahara), for example by offering grants or loans to support entrepreneurship and job creation in other sectors.

¹⁵⁴ The EU's differentiation policy excludes trade with Israeli entities based in the occupied Palestinian territories, and thus outside Israel's 1967 borders, in adherence to international law. The EU has levied duties on these goods since 2005.

VI. Conclusion

The conflict in Western Sahara has so far been low-intensity and had limited regional repercussions, lulling external actors into a false sense of security. But the growing diplomatic breach between Morocco and its allies, on one side, and the Polisario, on the other, threatens to worsen the crisis. The widespread disenchantment with prospects for a negotiated solution in both camps is likewise worrying. The U.S., European states, the UN and the AU should work together to convince Rabat and the Front to go back to talks, and they should use their economic leverage to keep pressure on them to negotiate. Restarting talks is the only way to avoid a potentially destabilising escalation of this oft-overlooked conflict.

Rabat/Tindouf/Washington/Brussels, 14 October 2021

Appendix A: Map of Western Sahara



Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former Foreign Minister of Argentina and Chef de Cabinet to the United Nations Secretary-General, Susana Malcorra.

After President & CEO Robert Malley stood down in January 2021 to become the U.S. Iran envoy, two long-serving Crisis Group staff members assumed interim leadership until the recruitment of his replacement. Richard Atwood, Crisis Group's Chief of Policy, is serving as interim President and Comfort Ero, Africa Program Director, as interim Vice President.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kiev, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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Appendix C: Reports and Briefings on the Middle East and North Africa since 2018

Special Reports and Briefings

Council of Despair? The Fragmentation of UN Diplomacy, Special Briefing N°1, 30 April 2019.

Seven Opportunities for the UN in 2019-2020, Special Briefing N°2, 12 September 2019.

Seven Priorities for the New EU High Representative, Special Briefing N°3, 12 December 2019.

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