Foreign Policy: Argument An expert's point of view on a current event. By **Stephen Zunes** Dec. 9, 2020

The East Timor Model Offers a Way out for Western Sahara and Morocco

Western Sahara's fate lies in the hands of the U.N. Security Council.

A vehicle of the U.N. Mission for the Referendum in Western Sahara drives on the Moroccan side of the border crossing between Morocco and Mauritania in Guerguerat, Western Sahara on Nov. 25. FADEL SENNA/AFP

It's not often that Western Sahara makes international headlines, but in mid-November it did: Nov. 14 marked the tragic—if unsurprising—breakup of a tenuous, 29-year cease-fire in Western Sahara between the occupying Moroccan government and pro-independence fighters. The outbreak of violence is concerning not only because it flew in the face of nearly three decades of relative stasis, but also because Western governments' reflexive response to the resurgent conflict may be to upend—and thereby hamper and delegitimize for perpetuity—over 75 years of established international legal principles. It is imperative that the global community realize that, in both Western Sahara and Morocco, the path forward lies in adhering to international law, not overriding it.

The conflict in Western Sahara dates back to 1975, when the territory was on the verge of gaining independence from its colonizer, Spain. Under pressure from the United States, which did not want to see the leftist independence movement known as the Polisario Front lead an independent state, Madrid granted administrative authority over the northern two-thirds of the country to Morocco and ceded the southern third to neighboring Mauritania. In early 1976, the Polisario established the Sahrawi Arab Democratic Republic (SADR), which has been recognized by 80 countries and is a full member state of the African Union. Mauritania ceded its portion of Western Sahara to the SADR in 1979, only to see it immediately seized by Morocco. For over a decade, Morocco—with French and U.S. support—continued to battle Polisario guerrillas while violetly suppressing pro-independence demonstrations and other nationalist activities within the occupied Western Saharan territory it considers part of Morocco.

In 1991, the now newly defunct cease-fire quelled the armed struggle of the Polisario, which agreed to halt its militant operations in return for a U.N.-supervised independence referendum. The occupying Moroccan army, however, has never allowed that vote to take place. In fact, Moroccans only continued to settle the land; today, Moroccan settlers outnumber Western Sahara's indigenous inhabitants.

Besides the flouted promise of a referendum, the 1991 cease-fire allowed Moroccan forces to remain on the northern and western sides of a Moroccan-built sand berm that encompasses close to three-quarters of the territory—including its major cities and mineral wealth. The SADR, in turn, remains in control of the territory's sparsely populated remaining areas and administering refugee camps in Algeria, which house close to 40 percent of the Sahrawi population.

Virtually no country recognizes Moroccan sovereignty over Western Sahara. The U.N., for its part, has affirmed that Western Sahara is a non-self-governing territory—a verdict repeated by a landmark ruling of the International Court of Justice. Still, recognition only goes so far when the occupying power refuses to budge: The U.N.'s peacekeeping and human-rights operations in Western Sahara have been severely curtailed by Rabat—and key allies with veto power on the U.N. Security Council.

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November's clashes can be traced back to a skirmish in 2016, when Morocco violated the 1991 cease-fire agreement by moving its forces into a five-kilometer buffer zone between Moroccan-held territory and the El Guergarat border crossing into Mauritania, in order to complete a road connecting the Moroccan occupied zone of Western Sahara with most of West Africa.

Starting on Oct. 21 this year, scores of Sahrawi civilians engaged in a nonviolent sit-in to block the highway, only to be violently dispersed by Moroccan troops two weeks later. To the Polisario—which has repeatedly threatened to abrogate the cease-fire over the years following various Moroccan violations—this assault was the final straw. The group announced its withdrawal from the cease-fire agreement and has resumed attacks against Moroccan forces along the 1675-mile sand berm that separates the Moroccan and Polisario-controlled areas of Western Sahara.

It appears that the Moroccan armed forces were unprepared for the Polisario's coordinated attacks, which have reportedly resulted in a number of Moroccan casualties. The Moroccan government has been surprisingly quiet in response to recent events, and has even threatened families of soldiers not to report casualties.

The Polisario believes that Morocco's failure to live up to its end of the agreement—particularly its failure to allow for a just referendum—leaves them no obligation to uphold their end of the deal. After 29 years of stagnation on self-determination, patience in Western Sahara has been wearing thin. This time, the Polisario insists that renewed clashes won't simply function as retaliation for yet another Moroccan provocation; instead, they say, Morocco's latest breach provoked a return to war that will continue until their country is liberated.

Still, it is doubtful that a new war will win the Sahrawis their rights. For one, Morocco's sand berm consolidating its hold on the majority of the territory is fortified and—while vulnerable to shelling and to hit and run attacks—would be hard to penetrate for a sustained period. These external controls are dwarfed by Morocco's tactics in Western Sahara: In the past, even nonviolent Sahrawi resistance—of peaceful protests, sit-ins, occupations, strikes, and boycotts—has been met with severe repression. Opportunities for dissent—much less sustained guerilla activity—are thus limited in Western Sahara, which Freedom House considers one of the dozen least free nations in the world, featuring (a lack of) rights on par with the dearth thereof in Tibet, Uzbekistan, North Korea, and Saudi Arabia.

Perhaps the Polisario hopes that resuming an armed struggle after 29 years of comparative quiet will push Western governments to finally pressure Morocco to compromise. Unfortunately, the tendency in Washington, Paris, and other Western capitals has been to regard any armed resistance against an allied Arab government as terrorism. Morocco has exploited this assumption, launching contradictory claims about the Polisario's alleged ties to rivals like the Islamic State, al Qaeda, and Hezbollah—never mind that the secular and moderately leftist Polisario has nothing to do with extremist Islamist organizations. In this perverse sense, then, the Polisario's resumption of guerrilla activity could actually increase foreign support for Morocco.

What in the World? Test yourself on the week of Sept. 9: An earthquake devastates Morocco, Kim Jong Un leaves Pyongyang for a key summit, and a French official is arrested abroad. Quiz Drew Gorman

But bolstering Rabat would be counterproductive—and misguided. Though war is not the answer, neither is the continued occupation of Western Sahara. The failure of the international community to force Morocco to live up to its international legal obligations is what has led to the Western Saharan crisis in the first place. As is the case with the Israeli occupation of Palestine—and as was the case with the 24-year Indonesian occupation of East Timor—having friends on the U.N. Security Council has allowed Morocco to run roughshod under international legal norms.

For France—Morocco's former colonial power alongside Spain—maintaining close political, strategic, and economic ties with the Moroccan monarchy has overridden any concerns regarding international law. Similarly, the United States, which considers Morocco as an important regional ally—first during the Cold War and now in the fight against Islamist extremists—has been similarly willing to overlook such legal and moral imperatives. The Polisario, meanwhile, has counted primarily on the support of countries in Africa, Latin America, and Southeast Asia—which recognize the conflict in Western Sahara as an incomplete decolonization. Chief among these allies is neighboring Algeria, traditionally the Polisario's primary supporter. Any burgeoning conflict in Western Sahara would not simply be a proxy war: The call for a return to war has been growing among both among Sahrawis under Moroccan occupation as well as refugees in Algeria, who have been waiting upwards of 45 years to return to their homeland.

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But this is bad timing for Algeria, which would be loath to be dragged into a conflict with its Western-backed neighbor—at least right now. The semi-autocratic and increasingly unpopular regime in Algiers has been focused primarily on consolidating control in the face of mass domestic protests and shoring up the domestic economy during the COVID-19 pandemic, which has seen oil prices tank. As a result, Algeria would likely cooperate in efforts to end the fighting between Morocco and the Polisario, provided there was at least some hope of diplomatically moving Morocco toward accepting Sahrawis' right to self-determination.

The chances of such a mutually satisfying diplomatic settlement, however, are slim. For years, French and U.S. veto threats on the U.N. Security Council have stymied efforts to place the issue of Western Sahara under Chapter VII of the United Nations Charter, which would give the international community the power to impose sanctions or other appropriate leverage on Morocco to force the country to abide by the U.N. mandates it has to date disregarded.

Instead, the United States and France have endorsed a Moroccan "autonomy" plan for Western Sahara that is quite limited in scope and would fail to meet the international standard for autonomy. It does not allow the

Sahrawis the option of independence—to which they are entitled as a U.N.-recognized non-self-governing territory according to international law, a series of U.N. resolutions, and a landmark World Court ruling. If the plan were to be imposed by the Security Council, as Washington and Paris are advocating, it would constitute the first time since the signing of the U.N. Charter that the international community recognized an incomplete decolonization and the expansion of a country's territory by force—a grim milestone for the globe.

It was similar Western support for Indonesia that for many years prevented independence in East Timor. Indonesia's 1975 invasion of the former Portuguese colony took place only six weeks after Morocco's seizure of Western Sahara. Like Western Sahara, the takeover was seen as particular egregious, since it involved the invasion and brutal annexation of an entire country—the kind of aggression that prompted the 1991 U.N.-sanctioned Gulf War in response to Iraq's seizure of Kuwait. But Indonesia's move was not met by an accompanying resolution or staunch warning from the U.N. Security Council.

This flagrant double-standard led human-rights organizations, church groups, and a wide array of activists in the United States, Great Britain, and Australia to successfully pressure their governments to end their support for the occupation. As a result, the Indonesian government was finally willing to offer a referendum on independence. In 2000, the East Timorese voted for self-determination and the country is now free. It may take similar grassroots campaigns in Europe and North America to ensure that Western powers live up to their international legal obligations and pressure Morocco to allow the people of Western Sahara the right to determine their own destiny.

There is a small but growing movement in Europe supporting Western Sahara's right to national self-determination, as well as some similar civil society initiatives in many African countries, Australia, Japan, and the United States. A growing focus on the issue of illegal exploitation of natural resources in Western Sahara is providing proponents of international law and human rights a way to challenge governments and companies that illegally take advantage of the occupation, by targeting them through campaigns that advocate boycotts, divestment, and sanctions.

At this point, however, such movements are too small to have much impact on government policies, particularly those of France and the United States, which are the two governments most responsible for the failure of the United Nations to enforce its resolutions addressing the conflict. This can change, however: Twenty-five years ago, there was relatively little civil society activity in developed nations regarding East Timor, but a dramatic growth in such activism in the late 1990s—which came on the heels of widely publicized human-rights abuses by Indonesian forces—played an important role in making East Timor's eventual independence possible.

A similar campaign may be the best hope for the people of Western Sahara—and the vitally important international legal principles enshrined in the United Nations Charter. There may be an opening now, too, with the incoming Biden administration.

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Following mixed signals from both the Trump and Obama administrations, former U.S. ambassador to Morocco, Edward M. Gabriel, sees a Biden administration returning to the "constructive relations" that Morocco enjoyed under the Bush and Clinton administrations, which amounts to a euphemistic endorsement of the Moroccan takeover. U.S. President-elect Joe Biden himself has indicated that he is neutral regarding Western Sahara. However, neutrality is an inappropriate position in a dispute between the people of a non-self-governing territory demanding their right to self-determination and an occupying power denying them that

right. Meanwhile, Congress has been actively supporting the Moroccan conquest by insisting that U.S. foreign aid to Morocco "shall be made available for assistance for the Western Sahara," as a way of undercutting State Department efforts to distinguish between Morocco and its occupied territory.

Despite this track record, a Biden government could be malleable to pressure. In order to ensure international law isn't breached, Washington must first work for at the U.N. Security Council and provide a human-rights mandate like those of other peacekeeping operations to investigate and report on human-rights abuses in both the Moroccan-occupied zones and Polisario-run refugee camps. In the medium term, the United States should halt military aid, arms sales, and other military cooperation with Morocco, prohibit the import of any natural resources illegally extracted from Western Sahara, and work with Europeans and Africans to limit economic cooperation that supports the occupation. Finally, and perhaps most importantly, Biden should support any U.N. efforts to ensure that the Sahrawi people are allowed to participate in an internationally supervised referendum on the fate of the territory—one which actually includes the option of independence and, importantly, allows Sahrawi refugees in Algeria to participate.

Biden, who will arrive at the White House with a foreign-policy portfolio unrivaled by most of his predecessors, should understand the dangerous precedent that could be set by recognizing an incomplete decolonization. Continuing to do Morocco's bidding at the U.N. would amount to an implicit endorsement of countries expanding their territory by force, a slap in the face for all who seek to promote—universally—the right to self-determination. The fate of Western Sahara is a rare issue that does not fall neatly along partisan lines, and senators ranging from Democrat Patrick Leahy to Republican James Inhofe have pushed successive U.S. administrations to support Sahrawi's right to a referendum on independence. Biden has promised to work across the aisle, and Western Sahara may be the one area where it is actually feasible to do so.

The return to war in the deserts of Western Sahara is a tragedy. It could have been prevented—and it can finally be ended—if the United States and France live up to their obligations under the U.N. Charter and insist that their ally Morocco abide by well-established international legal norms. Washington must recognize the importance of upholding international legal norms, even if the violator is a U.S. ally. Failing to do so not only has the potential to prolong the bitter conflict in Western Sahara, but to upend the liberal global order in its entirety.

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