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## Morocco's indignation with Ban Ki-moon: is the Western Sahara an 'occupied' territory?

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### Theme

The Secretary-General of the UN, Ban Ki-moon, has incurred the wrath of Morocco by referring to the 'occupation' of the Western Sahara and recalling the uncertainty that has surrounded the status of this territory for over 40 years.

### Summary

Morocco's anger remains palpable. Ban Ki-moon carried out a visit –the first of its nature– to the Tindouf camps in Algeria, where thousands of Sahrawi people claiming independence for the Western Sahara have lived since 1975. The UN Secretary-General also went to Bir Lehlu, a town in the north-eastern part of Western Sahara, in the region controlled by the Polisario Front and deemed to be a 'liberated zone' by the Tindouf Sahrawis. This is the same town where the Polisario Front proclaimed the creation of the Sahrawi Arab Democratic Republic (SADR) on 27 February 1976 and from where the National Radio of the Sahrawi Arab Democratic Republic is broadcast. The Moroccan press talked about provocation.

### Analysis<sup>1</sup>

Apart from the visit itself, Morocco has described as 'unacceptable' the comments Ban Ki-moon made at places that are so heavily loaded with symbolism. The highest-ranking representative of the UN, who normally exhibits exemplary restraint, expressed his great compassion for the Sahrawi refugees he met in Tindouf: 'I was very saddened to see so many refugees and, particularly, young people who were born there. The children who were born at the beginning of this occupation are now 40 or 41 years old. So 40 years of a very difficult life. I really wanted to give them a sense of hope that this is not the end of the world for them'. The response from Rabat was that the Secretary-General crossed a red line when he explicitly used the word 'occupation' to describe the control exerted by Morocco since 1975 in the Western Sahara, a territory whose status the UN has not made any ruling on.

This is the first time Ban Ki-moon has adopted such a firm tone on Morocco's Saharan policy. Nor did he do it on neutral territory, but in Tindouf, a town that has been claimed

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<sup>1</sup> This text was originally published on the Orient XXI website at <http://orientxxi.info/magazine/colere-du-maroc-contre-ban-ki-moon,1265>.

by Morocco since 1972.<sup>2</sup> The Moroccan Minister of Foreign Affairs, Salaheddine Mezouar, who had a meeting with Ban Ki-moon at the UN headquarters on 14 March, did not detect a notable change in his attitude: the Secretary-General confirmed the purpose of his visit and expressed his deep disappointment vis-à-vis the demonstration that had been mobilised against him the day before in Rabat. For his part the Moroccan minister tried to differentiate between the UN and its Secretary-General, to rebuke him for his claim that Morocco is 'occupying' the Sahara.

### 'Semantic slip'

For Morocco the use of the word 'occupation' constitutes an 'abandonment of neutrality'. Ban Ki-moon had gone beyond his mission and his functions. In fact, although he had never previously made any comments on the matter, the Secretary-General is not obliged to remain neutral on issues that the UN deals with, or, in a wider sense, on ongoing conflicts. The UN Charter describes its Secretary-General as a committed figure, authorised to 'bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security'.<sup>3</sup> Apart from the general guidelines setting out his powers and functions, the Secretary-General enjoys considerable freedom of manoeuvre to carry out his mission. Described by the UN as a 'spokesman for the interests of the world's peoples, in particular the poor and the vulnerable',<sup>4</sup> the Secretary-General is duty-bound to deploy his independence, his impartiality and his integrity in all of his missions.

By using the word 'occupation' –taken as meaning the occupation of the Sahara by Morocco (80% of the former Spanish colony)– Ban Ki-moon denies Morocco the right to be present in the territory. Despite its clear connotations, the term was not used by chance. The Secretary-General could have spoken about 'annexation', something that would have been put into place by the Madrid Accords, signed on 14 November 1975 between Morocco, Spain and Mauritania, on the division of the territory; however, this treaty, which was ratified by the Spanish parliament, was never recognised by the UN.

The Moroccan government issued a statement in which it emphasised that this type of 'semantic slippage departs from the terminology traditionally used by the United Nations... hurts the feelings and dignity of the entire Moroccan people [and]... undermines the credibility of the UN Secretary-General'. The tension was ratcheted up further by the demonstration organised in Rabat on 13 March, but the UN has not tried to downplay the Secretary-General's statements. His spokesperson went on the record as saying it was undoubtedly a question of a 'non-autonomous territory whose status has

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<sup>2</sup> Tindouf was at the centre of Moroccan claims to realise a vision of 'Greater Morocco', a map designed by the Istiqlal Party and subsequently adopted by the Moroccan regime, included in which are the territories claimed by Morocco by virtue of its 'historical rights'. The 'Sand War' (1963) between Morocco and Algeria over the absence of a border demarcation between the two countries began in Tindouf. Algeria refused to reinstate the borders inherited from the colonial era. The controversy about Tindouf's status was concluded on 15 June 1972 with the signing of a border agreement between Algeria and Morocco, ratified in 1973 by Algeria and in 1992 by Rabat, where the acknowledgement that Tindouf forms part of Algeria is formally enshrined.

<sup>3</sup> UN Charter, chapter XV, art. 99.

<sup>4</sup> 'La función del Secretario General', UN website, [http://www.un.org/es/sg/sg\\_role.shtml](http://www.un.org/es/sg/sg_role.shtml).

still not been defined and whose refugees are unable to return to their homes in conditions of satisfactory governance'.

The response was swift. Morocco requested that 84 members of staff belonging to the UN Mission for the Referendum in Western Sahara (MINURSO) be withdrawn and announced the cancellation of the voluntary contribution towards its operation costs. Rabat also threatened to withdraw contingents engaged in peacekeeping operations – for example, Morocco supplies almost 2,300 blue berets to the UN Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO).

### Stumbling blocks for the UN mission

The tension between the UN and Morocco have never previously reached such levels, but the constraints on the UN mission's scope for manoeuvre have always been present; that being said, they had been denounced on only a determinate number of occasions and they had, as a general rule, been accepted by successive Secretaries-General and their special envoys in the Sahara. Since 1991, when MINURSO was set up in the wake of the ceasefire agreement that would supposedly pave the way to a referendum, all the missions have fallen foul of the same stumbling blocks. In September 1991, while MINURSO set about the business of identifying the indigenous Sahrawis of the region to draw up an electoral register prior to organising a referendum, King Hassan II ordered a new census of the Sahrawis, who were deemed to be a scattered population. In the face of mass movements of people towards Laayoune from various Moroccan provinces for the purpose of being included in the electoral register, the head of MINURSO, Johannes Manz, handed in his resignation stating that he had no wish to become the 'viceroy of the Sahara'.

More recently, in his 2012 report on the situation in the Western Sahara, the UN Secretary-General noted, this time in forthright language, the barriers Morocco had erected to prevent MINURSO from operating properly. According to the report, by acting in the Sahara in the same way as it acts on Moroccan soil, Morocco is helping to exacerbate the conflict. The text also mentions examples of blurring between the Sahara –a non-autonomous territory– and Morocco, such as the organisation of Moroccan elections in the region, the obligation placed on MINURSO vehicles to display Moroccan diplomatic number plates and the siting of Moroccan flags around the mission's headquarters, thereby creating 'an appearance that raises doubts about the neutrality of the Mission'. Morocco defends itself from these accusations by arguing that the UN mission's activities are undertaken 'within the limits of established practice'. As the report points out, however, 'established practice is at the core of the challenges facing MINURSO operations. It has become increasingly difficult for MINURSO to fulfil mandate implementation requirements in a credible manner, given the constraints that have evolved over time'.

As recently as last year, in his annual report for 2015, Ban Ki-moon made reference to the Crans-Montana Forum,<sup>5</sup> which is held every year in the middle of March in Dakhla,

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<sup>5</sup> A Swiss international non-governmental organisation established in 1986. Its forums, organised throughout the world with business leaders and political figures invited to attend, are highly influential.

despite the fact that 'the definitive status of Western Sahara was the object of a negotiating process being conducted under my auspices in accordance with the relevant United Nations resolutions'.

### The 'recovered provinces'

In reality, this confusion between the Sahara and Morocco goes to the very heart of the conflict. After Spain's final withdrawal in 1976, Morocco decided to integrate the former Spanish colony into its sovereign area in a gradual manner. From a territorial perspective, this integration was conceived as an expansion of the Moroccan administration and the establishment of the Moroccan State in what Rabat deemed to be 'recovered provinces'. This integration has been regularly confirmed since through the extension of national elections to these territories and the conduct of the Interior Ministry. Events with an international dimension lend visibility to this policy: this occurred when the route of the Paris-Dakar rally passed through Smara, mentioning Morocco parenthetically, and with the holding of the Crans-Montana Forum in Dakhla.

The idea of this integration policy for Hassan II, the person who created it, was to develop these 'provinces' before persuading the international community to acknowledge the Moroccan character of the Sahara. This situation has never been openly and unequivocally criticised, either by the United Nations or by countries such as France, Spain or even the US. Morocco's policy on the Sahara is based on what Rabat refers to as 'historic rights', usually citing in this context the Madrid Accords signed with Spain and Mauritania. Knowing that these accords had not been recognised by the UN, however, Hassan II never tired of stating that 'sooner or later it is necessary that our title deeds to the Sahara be recorded in the United Nations' registry'.<sup>6</sup>

In the absence of the title deeds referred to by Hassan II, the integration policy has its limits as far as Morocco's management of the territory's resources and population are concerned. In December 2015, the Court of Justice of the EU (CJEU) decided to annul the farming and fisheries agreement with Morocco on the grounds that it did not 'present the necessary guarantees to ensure that the resources of the Sahara region are used to the benefit of the local inhabitants'. Prior to this, in November 2009, the issue of political relations between the Sahrawi peoples and Moroccan power came to the fore with the hunger strike started by Aminatou Haidar. This icon of Sahrawi resistance was returning from New York, where she had just received the Civil Courage Prize awarded by the Train Foundation. At Laayoune Airport, she wrote 'Western Sahara' as her place of residence and left the box for nationality empty. The Moroccan authorities immediately sent her back to the Canary Islands but, refusing to leave the airport, she embarked on a hunger strike that lasted one month. Aminatou turned down Madrid's offer of Spanish nationality, as well as refugee status. She said that she wanted to return to her house in the Sahara, without at any time conceding that it was part of Morocco. After denying her permission to return, Rabat wanted the international community to condemn the stance of the activist, but both Madrid and the UN were careful not to express an opinion on the matter. In the end Aminatou Haidar was able to return to her home in Laayoune.

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<sup>6</sup> Interview in *Le Monde*, 2/IX/1992.

## Conclusions

### The urgency of a negotiated solution

These and other not dissimilar examples show that the control exerted by Rabat over the peoples and resources of the Sahara has its limits. Thanks to the support of the US and France, Morocco believes that it can avoid a judicial solution to the conflict. After proposing a plan for autonomy in 2007 that the Western powers deemed to be plausible and serious, Rabat refused to enter into talks with the opposing side. In its capacity of both judge and party to the conflict, there is a sense in which the Kingdom of Morocco took on the role of the UN. Leaving such political manoeuvring to one side however, it is also worth noting the fact that Morocco is currently incapable of negotiating the sovereignty of a territory it regards as its own and that it has been administering without any major setbacks for 40 years.

In the context of this reality, Ban Ki-moon's intentions seem incongruous and to some extent incomprehensible. Many people are wondering what could have caused such an affable man to toss a match on such a flammable conflict with Morocco. Theories abound. The Secretary-General is coming to the end of his term of office, so he undoubtedly feels more at liberty to express grievances that had already been included in annual reports and he is now airing publicly. Despite his apparent affability, those who follow the Sahara question closely know only too well that Ban Ki-moon has never made concessions to Rabat. In 2012, after the publication of his annual report on the Sahara, Morocco called for the dismissal of his special envoy, Christopher Ross. Unlike his predecessors however, who called a halt to their special envoys' missions, Ban Ki-moon kept Ross in his post.

Christopher Ross has spent years trying to draw attention to the UN's vicissitudes in its efforts to manage this conflict, and there are two overriding reasons why he would like to find a definitive solution. The first relates to the conditions of the Sahrawi people, a forgotten population that lacks prospects for the future and is obliged to live in refugee camps. The second is related to regional geopolitics: this is a region where international Jihadism –al-Qaeda in the Islamic Maghreb (AQIM) and the Islamic State organisation, to name but two– has started to show signs of establishing itself. Putting an end to the conflict in the Western Sahara would help forestall the possibility of the hardened Sahwari, who know the area well, joining the ranks of the Jihadist groups. While it is true that no such links have yet been proven, it is also true that the possibility of their arising cannot be dismissed out of hand.