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The EU, Civil Society and Conflict Transformation in Western Sahara:

The Failure of Disengagement¹

Hakim Darbouche² and Silvia Colombo³

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Abstract: The protracted Western Sahara dispute, which has for over three decades pitted Morocco against the Sahrawi independentistas of the Polisario Front, epitomises the impotence of state-led conflict resolution efforts. The European Union (EU) has voluntarily remained withdrawn from the processes of transformation of this southern neighbourhood conflict, unable to surpass the politics of its inherent inter-governmentalism. This paper examines the alternative role played by local civil society organisations (CSO) in the transformation of the Western Sahara conflict. It analyses the input of a methodologically-informed selection of Moroccan and Sahrawi CSOs with a view to identifying the potential of more effectual EU involvement in the dispute, notably through cooperation with the relevant CSOs. The findings of this study point to the overwhelmingly fuelling role played by local CSOs in this particular conflict, but identify ways in which more peace-building civil actors could be empowered by the EU. These CSOs are often of grass-root origins with little or no links to the establishments on both sides of the conflict.

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1. Introduction

“Africa’s last colony”, “the forgotten conflict” of the (western) Mediterranean, and the “frozen conflict” on the European Union’s southern neighbourhood are but the most common objective euphemisms for the Western Sahara dispute, which for more than three decades has pitted the kingdom of Morocco against the Sahrawi nationalist movement, incarnated by the *Frente Popular para la Liberación de Saguia El Hamra y de Rio de Oro* (the Polisario Front). For ninety years after the Berlin Conference of 1884, Western Sahara – a stretch of desert land roughly the size of Britain – was under Spanish colonial rule. During this period, a succession of Franco-Spanish treaties delineated the territory’s contemporary international borders (Omar 2008: 43). However, the failure of the outgoing Franco regime to uphold the right of the indigenous Sahrawi people to self-determination in 1975/6, as stipulated by UN deliberations from 1965, and the instinctive expansionist claims of the *Alaouite* regime in Morocco, led to a prolonged confrontation typical of any tale of botched decolonisation.

Between 1965 and 1973, the UN General Assembly adopted eight resolutions calling on the administering power to “take all necessary measures” to ensure the overdue decolonization of what was then commonly referred to as the “Spanish Sahara” (Theofilopoulou 2006). When Spain finally decided in 1974 to organize a referendum on self-determination for the Sahrawi people, the prospect of independence for this “Non-Self-Governing Territory” was deemed unacceptable by Morocco’s late king Hassan II. In response, Morocco sought legal advice from the International Court of Justice (ICJ) by way of confirming that its “southern provinces” were not *terra nullius* prior to Spanish colonization.

Though in its Advisory Opinion of 16 October 1975 the ICJ held that legal ties of allegiance between Moroccan sultans and some Sahrawi tribes had existed, it confirmed that these were insufficient to establish historical and legal ties of territorial sovereignty between Western Sahara and the kingdom of Morocco.⁴ Having interpreted the Court’s recognition of the existence of tribal allegiance in his favour, King Hassan decided shortly afterwards to command 350,000

⁴ See ‘Western Sahara: Advisory opinion of 16 October 1975’, available at: <http://www.icj-cij.org/docket/files/61/6195.pdf?PHPSESSID=f8c21767d912633ed2c0ee0d0f4c65e8> (accessed 8 November 2009).

civilians and 80,000 troops to march into Western Sahara in what was dubbed “the Green March” (Maghraoui 2003). Consequently, what was clearly for Morocco a symbolic attempt at recovering the territory amounted to a declaration of war for the indigenous pro-independence movement and a grave provocation for the Sahrawis’ main regional ally, Algeria. This violation of the regional order by Morocco was exacerbated by Spain’s decision, with US complicity, to duck out of its responsibility by secretly concluding in Madrid in November 1975 a deal with Morocco and Mauritania, which de facto transferred administrative powers over the territory to these two countries (Mundy 2006).

In the war that ensued, the Polisario army scored important early successes, notably in forcing Mauritania to relinquish its territorial claims to the southern parts of Western Sahara in 1979, and imposing itself on the Moroccan regime as an inevitable interlocutor for any ceasefire or peace negotiations (Zoubir 1990). Indeed, bilateral talks began in 1988 and culminated in a UN-brokered ceasefire in 1991. Though withdrawn militarily as a result of the successful erection by Morocco of an effective defensive wall (“the Berm”),⁵ which consolidated its control of around 80% of the territory, the Polisario engaged in these negotiations from a relatively strong diplomatic position. Its de facto Saharan Arab Democratic Republic (SADR) had been recognized by over seventy countries and, most importantly, granted full-membership status by the Organization of African Unity (OAU) in 1984, leading to Morocco’s voluntary withdrawal from that organization. Meanwhile, no state has recognized the kingdom’s proclaimed sovereignty over Western Sahara (ICG 2007a).

From 1991 onwards, the UN Security Council became firmly seized by the Western Sahara question and sought its resolution through the organization of a “free and fair referendum” on self-determination, to which both parties had agreed. To this end, it mandated a UN mission (*Mission des Nations Unies pour l’Organisation d’un Référendum au Sahara Occidental*, MINURSO) to *inter alia* identify eligible voters in both the occupied territories and the Sahrawi refugee camps of Tindouf, in southwest Algeria, where tens of thousands of Sahrawis (est. 160,000) opposed to Moroccan occupation had fled since the start of hostilities (San Martín and

⁵ See Appendix 1.

Allan 2007). It was this daunting task, however, that proved detrimental to the peace process in Western Sahara, as all UN-sponsored peace “plans”, from the Settlement Plan of 1991 to James Baker’s Plans I (2001) and II (2003),⁶ turned into battles between the protagonists over the modalities of the elusive referendum.

More recently, in an apparent attempt to break the resulting deadlock, the Moroccan regime has put forward a “historic proposal” for autonomy in Western Sahara,⁷ which it considers the only acceptable basis for further talks with the Polisario. For the latter, however, Morocco’s calculated overture is considered a non-starter as it intrinsically excludes the option of independence.⁸ This has meant that the five rounds of UN-sponsored talks between the two parties in 2007-2009 since the emergence of this *nouvelle donne* have yielded no tangible results (San Martín et al. 2006; Ruiz-Miguel 2007; Darbouche and Zoubir 2008). In light of the stubborn protraction of the impasse, Polisario leaders have recently ratcheted up their bellicose rhetoric, warning that force seems to be the only means by which they can achieve their self-determination objective.

The Western Sahara conflict has predominantly featured state actors, including the Polisario Front and its de facto SADR government-in-exile. Regionally, the main protagonists have been Morocco, Algeria, Mauritania and Libya, while core international players have included Spain, France and the United States. As such, the role played in this conflict by CSOs, if any, has had little visibility.

The aim of this paper is to investigate the role played by local CSOs in the transformation of the Western Sahara conflict. It will do so with the additional aim of identifying how the EU could be more effectively involved in the dispute, in particular through cooperation with relevant local CSOs. To this end, eight CSOs from each side of the conflict (Morocco and Western Sahara) are examined, with a view to analysing a) their activities; b) their impact on conflict transformation;

⁶ The former US Secretary of State was nominated personal envoy of the UN Secretary General Kofi Annan to the conflict between 1997 and 2004. For details on his proposed peace plans, see (Solà-Martín 2007).

⁷ ‘Moroccan Initiative for Negotiating an Autonomy Status for the Sahara Region’, available at: <http://www.maec.gov.ma/Initiative/Docs/Initiative%20ang.pdf> (accessed 8 November 2009).

⁸ Polisario presented the UN Secretary General with its own ‘Proposal for a Mutually-Acceptable Political Solution that Provides for the Self-Determination of the People of Western Sahara’.

and c) their effectiveness. Subsequently, the nature, extent and impact of existing EU involvement in the conflict, if any, is analysed, and the ways in which it could be optimized identified. Section 4 will dissect the dynamics underlying the EU's role in the conflict, focusing in particular on the hypotheses put forward in Nathalie Tocci's paper, 'The European Union, Conflict Transformation and Civil Society: A Conceptual Framework' (Tocci 2008).

2. The EU and Western Sahara: the Politics of Disengagement

Like most contemporary international conflicts in the western Mediterranean, the origins of the dispute over Western Sahara are quintessentially rooted in issues of sovereignty relating to the region's characteristically controversial processes of decolonization. But in the Saharan conflict more than others, the sense of moral responsibility rests most firmly with the former colonial power, Spain, for its recognized failure to carry through, when relinquishing the territory in 1975, the UN-prescribed task of organizing a referendum on self-determination to help settle more fairly the fate of the Sahrawi people. The protraction of the conflict for over thirty years, with considerable consequences for the immediate stakeholders individually and collectively, as well as for the international community at large (ICG 2007b), makes the need for a positive European contribution to the resolution of the conflict even more urgent, especially considering the extant unconstructive roles played by the main relevant protagonists, namely France and Spain. As much as the genesis of the Western Sahara conflict lies in past European practices, its resolution could, now more than ever given the systemic failure of the UN process, benefit from more meaningful EU engagement.

Historically, the EU's engagement in the Western Sahara conflict has been modest at best. Compared with its role in other UN-supervised disputes in the Mediterranean (Cyprus, Israel-Palestine, and the Balkans), the Union has generally been resigned to a backseat position, at first declaring neutrality and then, from 1988, supporting UN initiatives in a conspicuously passive manner. The EU's impotence in the Western Sahara conflict is explained fundamentally by the nature both of the conflict itself and of the EU as a foreign policy actor (Vaquer 2004: 95). Disunity amongst member states over the issue, coupled with the systemic ascendancy of the

Council over both the Commission and the European Parliament in foreign policy, is the main source of this passivity. Besides, the fact that the conflict lacks visibility and has a strong multilateral dimension, despite being legally defined as strictly bilateral, may justify the low priority it is afforded by the EU (Gillespie 2010).

More specifically, the active and strong interests of France and Spain in their historic links with Morocco in particular and North Africa in general have often translated into diverging individual positions, preventing the EU from adopting a common position in response to the conflict. Instead, the only EU consensus that this situation has allowed is that of delegating to the UN exclusive responsibility for finding a diplomatic solution. This is not to suggest that other member states do not take an interest in the issue, but rather that their concerns are less structural than those of France and Spain and more related to conjunctural issues of illegal migration and the exploitation of natural resources.

Of the two most interested member states, France has traditionally been the more consistently supportive of Morocco, going as far as regularly providing Morocco with arms during the “hot” phase of the conflict (1975-1991), and even taking reactive military action against the Polisario army in 1977-8 (Miske-Talbot 2002). Politically, French statesmen across the political spectrum have generally ruled out the eventuality of independence for Western Sahara, with Jacques Chirac famously referring to the territories during a visit to the kingdom in 2001 as “Morocco’s southern provinces” (Tuquoi 2006). However, despite the unwavering support of the French establishment for Morocco’s official position in the conflict, France has remained rhetorically committed to the UN process. Beyond commercial interests and personal affinities, France’s main concerns have been to prevent the destabilization of a friendly regime in the Maghreb and to preserve an important source of leverage in its thorny relationship with Algeria.

By contrast, Spain’s attitude towards the conflict has been less one-sided. As the former colonial power and the *de jure* administrative power in the eyes of the UN (Corell 2002), Spain has traditionally accepted historical responsibility for ensuring that a fair process of self-determination for the Sahrawi people takes place. However, partisan (PP and PSOE) nuances

notwithstanding, maintaining a delicate balance between Morocco, the Polisario Front and Algeria has been the main priority of Spain's Western Sahara policy. For besides moral responsibility, other factors, such as disputes over sovereignty in Ceuta and Melilla and fishing agreements with Morocco on the one hand, and a pro-Polisario public opinion and energy interests with Algeria on the other, weigh on the minds of Spanish foreign policy officials, pushing Madrid in opposing directions (Vaquer 2004: 97). In this context, the evolution of Spain's policy under Zapatero towards openly supporting Morocco's 2007 autonomy proposal as the preferred basis for UN-brokered negotiations with the Polisario has disappointed the latter and annoyed Algeria. It has also been detrimental to Madrid's role in the UN process and to its energy interests in Algeria (Amirah-Fernández 2008).

Other member states' activism over Western Sahara has been more intermittent and informed largely by normative considerations of international law and human rights. EU member states that usually maintain a low profile on North African affairs have supported the Sahrawi cause from the outset and, in most cases, prior to their EU accession. Among these are Ireland, Greece, Sweden, Finland and Austria (Vaquer 2004: 99). Other member states such as the UK, Germany, Italy, Holland and Belgium have for the most part avoided taking a clear stance.

The European Parliament has proven to be the only forum outside the UN where European policy differences play out most vividly. It is the only EU institution that openly and consistently supports the right of the Sahrawi people to self-determination and regularly criticizes Morocco's occupation of the territories. Its blocking of Morocco's fourth financial protocol in 1992 is often referred to as an unprecedented move that has arguably provoked a re-think of the EU's Mediterranean policy, notably by precipitating the formulation of the Barcelona Process. More recently, a delegation of MEPs visited the occupied territories and the refugee camps and noted in its subsequent report the systematic violation of fundamental freedoms in the former by the Moroccan authorities,⁹ echoing the findings of earlier investigations carried out by Human Rights

⁹ See: http://www.elpais.com/elpaismedia/ultimahora/media/200903/13/internacional/20090313elpaint_1_Pes_PDF.pdf (accessed 8 November 2009).

Watch¹⁰ and Amnesty International.¹¹ The controversy provoked by the Commission's approach to renewing the EU-Morocco fishing agreement in 2006 is another recent instance of intergovernmental and parliamentary divergence over the question of Western Sahara. The opposition of countries like Sweden to the opacity of the legal terms of the agreement forced the EU to clarify the implications of the agreement for the exploitation of Sahrawi resources. Although Scandinavian pressure failed to abort the €14 million deal, it wrested – at least on paper – assurances that the population of the territory would benefit from the agreement (Ruiz-Miguel 2006; San Martín 2006).

2.1 Quid regional frameworks?

Although the dynamics of the inter-governmentalism of EU foreign policy decision-making and the bilateralism underlying Euro-Mediterranean relations have thus far manifestly favoured Morocco's position in the conflict, it might be expected that the EU's more regionally-focused strategies would go some way towards redressing this bias. However, the added value of both the Euro-Mediterranean Partnership (EMP) and the European Neighbourhood Policy (ENP) for the Western Sahara conflict has been conspicuously insignificant (Gillespie 2010). Besides being implicitly focused on the transformation of the Middle East conflict more than any other conflict in the region, the EMP's plans for the construction of a regional security community through a Charter for Peace and Stability have met with insurmountable challenges from the outset. The fact that the Charter has effectively been buried since 2000 has meant that the security dialogue between the EU and the southern Mediterranean countries has been conducted primarily at bilateral level, undermining all prospects of voluntary engagement with the issue of Western Sahara on the part of the protagonists. Thus, while it may be understandable that Algeria seems to have made the deliberate choice of leaving the issue out of its interaction with the EU, the failure of European officials to use the EU-Morocco advanced political dialogue speaks volumes for the priorities of the EU in this particular case.

¹⁰ See: <http://www.hrw.org/en/news/2008/12/17/morocco-suppressing-rights-western-sahara> (accessed 8 November 2009).

¹¹ See: <http://www.amnesty.org/en/region/morocco/report-2008> (accessed 8 November 2009).

The inception of the ENP in 2003 brought renewed hope in Europe not only for the reinvigoration of Euro-Mediterranean relations but also for the resolution of frozen conflicts in the entire neighbourhood. These conflicts were seen as impediments to the EU's new grand strategy of building a "ring of well-governed friends" in its vicinity, and the Western Sahara dispute was no exception. In this vein, by undermining the construction of the Maghrebi space, the Saharan conflict was not only seen as increasing the opportunity cost for the countries of the region, but also as preventing the EU from engaging in meaningful and sustained cooperation with it. More generally, Western Sahara was depicted in early ENP pronouncements as representing, alongside Palestine, the main stumbling block to the development of a Mediterranean region (Gillespie 2010). Thus, despite recognizing the limited scope of action available to it, the EU pledged to play a more active role through the ENP in the resolution of conflicts in its neighbourhood, including in Western Sahara (European Commission 2006).

However, while the EU's new-found bland determination to contribute to UN regional conflict resolution efforts led it to address, for the first time, the Western Sahara problem alongside the post-Soviet conflicts in the east¹² and the Israeli-Palestinian stalemate in the south, details it provided of how to engage with the protagonists of the Saharan issue have remained elusive in comparison with the other identified conflicts. No Special Envoys, no border assistance missions, nor any other confidence-building measures have ever been put forward by the EU in the case of the Western Sahara conflict. In fact, even Morocco's Association Agreement, its sub-committee on democracy, good governance and human rights, and its Action Plan, make no mention of how they might be used as settings for dealing with Western Sahara. Besides, in the absence of Action Plans with Algeria and the Polisario, the ENP's enunciated ambitions for conflict resolution are in this case effectively obsolete. The ENP's weak regional dimension further deprives the EU of any meaningful instrument for encouraging rapprochement between Morocco and Algeria (Gillespie 2010).

By contrast, the EU's more determined pursuit of enhanced bilateral relations with Morocco in the framework of the ENP appears to have encountered little difficulty, and has certainly not been

¹² These include Transnistria, Nagorno-Karabakh, and Georgia's secessionist entities of Abkhazia and South Ossetia.

affected by the protraction of the Saharan conflict. Indeed, in October 2008 Morocco was granted “advanced status”, to reflect its domestic reform achievements, which seem to have elevated it above its peers in the EU’s esteem (Gillespie 2010; Martín 2009). However, while not reflective of the status of peace talks between Morocco and the Polisario Front, such formalistic recognition has inevitable implications for the conflict. These will stem from the enhanced level of cooperation between the Morocco and the EU in a number of policy areas, ranging from police and law enforcement to fishing and coastal programmes. Needless to say that such engagement poses serious quandaries for EU officials over the fine line between Morocco’s de facto administration in, and sovereignty over, the Saharan territories (Gillespie 2010).

The EU’s promotion of meaningful political reform in Morocco has often been criticized by independent CSOs both in Morocco and Europe (Kausch 2008). Morocco’s Action Plan and its more recent advanced status agreement with the EU have been specifically targeted by the European Parliament, the Euro-Mediterranean Human Rights Network and a number of Moroccan NGOs for failing to address fundamental limitations on political freedoms in Morocco (EP 2007; EMHRN 2007). The EU’s timid engagement in promoting genuine democratic reform in Morocco is also often pilloried, considering a) its considerable economic leverage vis-à-vis the kingdom; b) the existence of the necessary structures for such engagement, such as the sub-committee on human rights, democratization and governance; and c) the fact that Morocco has been the largest recipient of EU funds in the southern Mediterranean, including within the framework of the ENP’s “Governance Facility”, which rewards countries making progress in political reform. Besides the EU’s naive belief in gradualism in its approach to political reform or its simple lack of commitment to it, the nature of the Moroccan political regime has also been identified as a major impediment to meaningful reform and civil society activism in this direction (Haddadi 2002; Cavatorta et al. 2006). The role of the monarchy as the centrepiece institution in the political and economic spheres and the increasing sophistication of the *Makhzen* – the political and economic clientelist network of the palace – in setting the rules of the game, keep at bay any attempt at genuine political reform (Kausch 2008). In Western Sahara, on the other hand, the EU’s involvement with civil society seems limited to providing humanitarian aid to the refugees in Tindouf. Channelled through ECHO, the Commission’s humanitarian aid directorate,

most of the EU's aid has been implemented in coordination with UN agencies such as the WFP and the UNHCR, as well as the red cross/crescent movement. Since 1993, the Commission has donated €143 million to the refugees, which makes the EU the biggest provider of humanitarian aid to the Sahrawi refugees – a guilty acknowledgement of its inability to contribute to a settlement.

3. Local CSOs and the Western Sahara Conflict: Activities, Impact and Effectiveness

Despite the traditionally nomadic nature of Sahrawi society and its inherently tribal dynamics, a vibrant Sahrawi civil society has been an integral part of the Saharan conflict from the outset. The roots of civil activism in Western Sahara can be traced back to the era of Spanish colonialism, which spurred the emergence of a Sahrawi nationalist movement around grassroots organizations. The advent of the international colonial movement in the 1950s and 1960s, manifesting itself regionally in the decolonization of Morocco in 1956 and that of Algeria in 1962, strengthened the resolve of the Sahrawi nationalist movement in its struggle for independence from Spain. Furthermore, the momentum provided since 1960 by the UN General Assembly's continuous support for the right to self-determination of Sahrawis led to the culmination of their nationalist awareness in the formal creation of the Polisario Front as the flag-carrier of Sahrawi resistance, first against Spanish and then Moroccan occupation. Thus, the Sahrawi CSOs selected for this paper reflect the wide spectrum of groups that are active both in the refugee camps and in the occupied territories.¹³ While their efficiency in Western Sahara proper may be undermined by Moroccan administration of the territories, their autonomous management of the refugee camps and the international aid they receive has made them as efficient as any organization in a “non-tribal” society (Farah 2008).

¹³ Eight interviews, including one with a Polisario representative in London, were conducted with Sahrawi CSOs based mostly in the Tindouf camps. All of these interviews were conducted under the condition of anonymity to guarantee the safety of interviewees and maximize the value of information obtained.

Morocco, for its part, is regularly praised by the international community for its implementation of advanced liberal reforms, particularly since the accession to the throne of King Mohamed VI in 1999. These changes can be seen in particular in the development of civil society, which has enjoyed a larger room for manoeuvre under the new monarch's regime. Indeed, some of the roles previously performed by the Moroccan state have now been relinquished to local NGOs, reflecting both the new liberal policy orientation and the limited resources of the public sector in Morocco. As a result, since 1999 numerous organizations, dealing with a wide range of issues and representing a plethora of opinions and ideological convictions, have emerged. However, amongst the "red lines" drawn by the Moroccan regime for the implicit regulation of civil society activities, Western Sahara is one of the few sanctified issues, together with the constitutional role of the monarchy in the political sphere. As a result, the apparent prominence of Moroccan CSOs in a number of issues does not extend to Moroccan civil society engagement in the Western Sahara conflict, where they enjoy much less freedom.¹⁴

3.1 The activities of CSOs

The role performed by Sahrawi CSOs aims at filling the vacuum resulting from the absence of uninhibited indigenous state institutions. This means that their activities are often found to be complementary to those of the official SADR and Polisario institutions at both the social and the political levels. CSOs focused on social affairs aim not only at enhancing the well-being of Sahrawi refugees, but also at preserving a sense of community and civic responsibility amongst younger generations. Furthermore, the more political Sahrawi CSOs seek to promote their national cause outside the Maghreb by regularly interacting with their relays and counterparts, mainly in Europe.

Although they operate in a totally different context, Moroccan CSOs are on the whole no different from their Sahrawi counterparts in that they are entirely devoted to the defence of the kingdom's national cause both domestically and internationally. As much as Moroccan CSOs

¹⁴ To gauge their role further, eight interviews, including one with an EU official, were conducted with representatives of Moroccan CSOs under the same provisions of anonymity as with their Sahrawi counterparts. For a detailed list of all the interviews conducted on both sides of the conflict, see Appendix 2.

enjoy a fair degree of freedom in relation to issues other than the Western Sahara conflict, their remits in relation to the conflict are circumscribed by both choice and default.

With the exception of the Association of Sahrawi Engineers for Development (*Association des Ingénieurs Sahraouis pour le Développement*, AISD), the activities of most Sahrawi CSOs under consideration in this paper were found to have a direct bearing on the conflict. Their shared objective is to ensure that the cause of the Sahrawi people is “kept alive” within the occupied territories and, most importantly, at the international level.¹⁵ As a result, the nature of the bulk of their regular activities is instinctively adversarial. In view of the absence of visibility of the conflict, both as a result of restricted access in the territories and the remoteness of the desert camps, the primary aim of Sahrawi CSO activity is to shed light on the practices of the Moroccan regime in the conflict. This often means monitoring and denouncing human rights abuses by the Moroccan security forces and documenting the broader humanitarian plight of the Sahrawi people.

It is important to note that both the number and activities of Sahrawi CSOs have increased noticeably since 2005, when a wave of popular uprisings in Moroccan-controlled territory gave rise to both a renewed sense of national identity among young Sahrawis born under Moroccan occupation and increasing anxiety and oppression on the part of the Moroccan regime (Stephan and Mundy 2006). Sahrawi CSOs enjoy an extensive network of relays in Europe, mostly in Spain, which provide them with logistical and political support. As the official news agency of the SADR, the Sahrawi Press Service (SPS) reports not only on the excesses of the Moroccan security forces, but also on the international “successes” of the resistance movement, be it when the Polisario establishes diplomatic relations with a given country or when a report or declaration critical of the Moroccan occupation is issued by an individual or an organisation. A new satellite TV station (RASD TV) has recently been launched in similar vein, with the enunciated aim of countering “Moroccan propaganda”.¹⁶ Given the nature of the conflict, there can be no realistic scope for Sahrawi CSOs to engage in non-adversarial activities. Morocco’s intransigence vis-à-vis the issue of self-determination, the “irreconcilability” of the positions of both protagonists,

¹⁵ Interview, Sahrawi CSO representative, May 2009.

¹⁶ Interview, Sahrawi CSO representative, May 2009.

and the corresponding nature of UN involvement in the conflict have all contributed to this state of affairs.¹⁷ AISD seems to be an exception to the above. Its activities concentrate on education and economic and environmental issues, and aim at creating an *esprit de corps* amongst Sahrawi engineers.¹⁸ The activities organised by these engineers relate in most cases to the agricultural and environmental needs of the population in “liberated” territories. The organisation sees its contribution as laying the groundwork for a future Sahrawi state. As such, it is less concerned with political issues, and its work is accordingly less adversarial.

Like their Sahrawi counterparts, the activities of Moroccan CSOs seem to be directly linked to the Western Sahara conflict. Given the nature of the Moroccan political system, the civil society scene is characterised by a strong presence of GONGOs in all areas of civic activity. Not only do these semi-official organisations relay government policy domestically and internationally, but they are also used by the Moroccan regime to neutralise the more autonomous CSOs which constitute the liberal facade for which the kingdom is often praised by international actors. The latest example of this tendency is the newly-created Party of Authenticity and Modernity (PAM). PAM was set up in 2008 by a close friend of King Mohamed VI – to the extent that it has been dubbed “the king’s party” – and has in recent elections performed better than more established parties such as al-Istiqlal and the PJD (Boussaid 2009). This is to say that GONGOs are omnipresent in Morocco, and are particularly visible when it comes to the country’s “national affair”, the Western Sahara conflict.

Accordingly, the activities of most Moroccan CSOs are adversarial in nature as they consistently aim to portray the Polisario *independentistas* as illegitimate rebels constituting nothing more than an appendage of Algeria’s instinctively belligerent foreign policy towards Morocco.¹⁹ Besides, the Western Sahara question is hardly a divisive one in Morocco. Although the regime has, since the 1980s, been forced to recognise the Polisario as *the* representative of the Sahrawi national movement, it has consistently maintained that the other party to the conflict is Algeria. From the Moroccan Institute of International Relations to the Forum of Moroccan Economists and the

¹⁷ Interview, Sahrawi CSO representative, May 2009.

¹⁸ Interview, Sahrawi CSO representative, May 2009.

¹⁹ Interview, Moroccan CSO representatives, September 2009.

Moroccan Centre for Human Rights, these tendencies are common to the activities of a number of the Moroccan CSOs interviewed for this paper. Research events, publications, expert meetings and public manifestations were generally found to be aimed at contributing to the securitisation of the conflict and dealing with its symptoms.

The work of the Moroccan Association for Human Rights (*Association marocaine des Droits de l'Homme*, AMDH) and the newspaper *Telquel* is different in many ways from that of the CSOs referred to above. AMDH has gained a respectable reputation for its consistent campaigning in defence of human rights in Morocco, including in the Saharan territories. Though the association refrains from making explicit pronouncements on the fundamentals of the conflict, it has refused to differentiate between Sahrawis and Moroccans on the (universal) issue of human rights. As such, the activities of the AMDH are essentially indirect and non-adversarial. It has succeeded in maintaining visibility and integrity even in the face of the increasing influence of the regime-sanctioned *Conseil consultative des Droits de l'Homme* (CCDH), headed by a Moroccan former political prisoner.²⁰

Likewise, *Telquel's* activities in relation to the conflict have largely been non-adversarial, but have had a direct effect on it. By visiting the Sahrawi refugee camps in Tindouf and attempting to produce regular and impartial accounts of conditions on the ground, the magazine's directors have targeted the causes of the conflict and aimed at reducing prejudices and stereotypes in Moroccan society about what they are regularly told are "sequestration" or "concentration" camps in Tindouf. However, the work of *Telquel* remains isolated within the Moroccan mainstream media and public debate, as it is perceived as being opposed to the official position of the government – a fact exacerbated by the apparently increasing disinterest of the Moroccan readership in the conflict.²¹

3.2 The impact of CSOs

²⁰ Telephone interview, Moroccan CSO representative, May 2009.

²¹ Interview, Moroccan CSO representative, September 2009.

Prima facie, the work of the selected Sahrawi CSOs appears by and large to have a fuelling effect on the conflict, in that it contributes to entrenching the parties' respective positions. Insofar as most of the activities of these CSOs emphasise the grievances of the Sahrawi people, they can be said to have a fuelling or even holding impact. This applies to all Sahrawi CSOs under consideration in this paper, with the exception of AISD. However, the reality is not as straightforward as it may seem. Morally, the cause defended by them is largely considered by stakeholders and onlookers alike to be just. The UN defines the question as one of decolonisation to be settled through respect for the right of the Sahrawi people to self-determination. Therefore, for these CSOs, the grievances that are often at the centre of their work are legitimate, and defending them is no less legitimate.²² It is true that, in their efforts to gather support for their cause, the international aspects of their activities often end up not only reinforcing the perceptual divisions between international players, but also stigmatising the Moroccan authorities. But this is regarded as necessary in order to counter Morocco's own international activism, which is encouraged by the conflict's inherent international dynamics in the form of the support it receives from France and the US. Thus, the activities of Sahrawi CSOs tend to counter-securitise the perceived violations of the Moroccan regime, but do so from a standpoint of resistance.

Even if fuelling, Sahrawi activities in the occupied territories can be said to be somewhat positive, as they raise awareness amongst Moroccan settlers in particular, and the public more broadly, of "the Sahrawi version of the story", counter-balancing Morocco's unrelenting "mind game" in this respect.²³ In many instances, this has helped to broaden the perceptions of Moroccan settlers vis-à-vis the conflict. This in itself can be seen as having a peace-building effect on the conflict, as it can indirectly affect the conflict position of the other party. The more nuanced conflict attitudes of Moroccan settlers in the occupied territories are often said to account for Rabat's reluctance to hold a referendum, in which the former would be allowed to vote, as stipulated by the Baker Plan II (Mundy 2007), their numerical superiority notwithstanding. However, as a second-degree effect, this contributes to the protraction of the conflict more than anything else.

²² Interview, Sahrawi CSO representative, May 2009.

²³ Interview, Sahrawi CSO representative, May 2009.

By overwhelmingly supporting the position of the establishment in the conflict, Moroccan CSOs seem to have a largely fuelling impact. Morocco is seen to have consistently and with impunity violated the commitments it has made in the course of UN-brokered talks with the Polisario (ICG 2007b). Thus, not only have CSOs contributed to the polarisation of conflict positions between the parties, but they have also sought to legitimise the Moroccan state's official position on Western Sahara, including its violation of international law in the exploitation of the natural resources of the territory. This appears to be the case of the Forum of Moroccan Economists.²⁴ However, autonomous organisations such as AMDH and Al Adl wal Ihsane have contributed more positively to the resolution of the conflict by focusing on the immediate humanitarian plight of the Sahrawis and the structural conditions underlying the conflict, such as the lack of democracy in Morocco.²⁵ The impact of their activities leans more towards the peace-building end of the spectrum as a result of the discursive alternative they offer to the official fuelling discourse and as a result of their focus on the structural causes of the conflict.

3.3 The effectiveness of CSOs

Sahrawi society, though divided by the wall splitting the Western Sahara territory into two parts, has so far displayed strong solidarity and cohesiveness towards its right to self-determination. This appears to be true notwithstanding a number of high-profile Polisario defections to Morocco over time and the choice of some Sahrawis to accept the “*Marocanité*” of Western Sahara. Besides the pursuit of statehood, this sense of community is strongly rooted in Sahrawi tradition. Despite the inevitable existence of fault-lines between the educated and uneducated, the military and the civilian and so forth, the Sahrawis' mobilisation seems to have prevented the eruption of societal divisions deep enough to undermine their national cause. Thus, their struggle – peaceful or otherwise – has been deeply embedded in the grassroots. Even the Polisario leadership, in the face of mounting accusations of elitism, has been consciously revising its approach by allowing younger generations more opportunities and precluding the emergence of further dissidence.²⁶ As such, even harsh conditions (climate, economic, societal) have thus far had a limited impact on

²⁴ Interview, Moroccan CSO representative, September 2009.

²⁵ Interviews, Moroccan CSO representatives, September 2009.

²⁶ Interview, Polisario official, London, June 2009.

the determination of the Sahrawi people. Accordingly, CSOs find it easy to operate and to obtain grassroots support for their activities.²⁷

The nature of the conflict has also given rise to greater cooperation between Sahrawi CSOs than might otherwise have been the case. CSOs with overlapping objectives have shown a tendency to coordinate their actions in order to maximise impact and rationalise the use of resources.²⁸ This applies to most organisations selected in this paper. The Association of the Families of Sahrawi Prisoners and the Disappeared (AFAPREDESA) and the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH) are cases in point. Their shared interest in defending human rights has meant that the former's experience and wider outreach is often put at the disposal of the latter's activists, especially given that the Moroccan authorities have refused to legalise ASVDH.²⁹ The majority of Sahrawi CSOs also have an annual opportunity to meet with sister European organisations in a large conference which takes place in a European country (usually Spain) under the name of the European Conference of Coordination of Support for the Sahrawi People (EUCOCO).

Insofar as all Sahrawi CSOs advocate self-determination as the only acceptable means of settling the Western Sahara conflict, their views do not differ from those of the Polisario Front. Their main difficulty is operating in the Moroccan-controlled territory, where openly expressing such views would be risky. However, these facts seem to matter little, given the nature of the conflict and the role played by international actors. The effectiveness of Sahrawi CSOs, and in many ways their *raison d'être*, relates to the international community. Given the widely-held view that the resolution of the conflict is largely dependent upon the involvement of the international community, maintaining and influencing outside interest in the Sahrawi cause is what, in most cases, defines the effectiveness of Sahrawi CSOs. As an interface between principles and *realpolitik*, the Western Sahara conflict will ultimately depend on the outcome of the interaction between these two international relations variables. Thus, working towards tilting the balance more in favour of international law and morality is the shared objective of most Sahrawi CSOs.

²⁷ Interview, Sahrawi CSO representative, May 2009.

²⁸ Interview, Sahrawi CSO representatives, May 2009.

²⁹ Interview, Sahrawi CSO representative, May 2009.

Against this backdrop, the emergence of prominent international issues such as terrorism, migration and Islamist extremism has inhibited the work of Sahrawi CSOs in the Moroccan-administered areas, as well as their effectiveness at the international level. The increasing support of the major international players for Morocco's autonomy plan is largely informed by strategic fears over such issues. Not only has this encouraged Morocco's crackdown on the civic resistance movement in Western Sahara, but it has also emboldened its claims regarding the unfeasibility of an independent state in Western Sahara. However, all interviewed Sahrawi CSOs confirmed that the recent turn of events has strengthened rather than discouraged their resolve to continue their work, as this is seen as being part of the conflict's cyclical ups and downs.³⁰

In the case of Morocco, the effectiveness of CSOs is not so much a question of rootedness in society as one of proximity to the regime. Most organisations analysed in this paper are allowed to organise activities in relation to the conflict with relative liberty only because they espouse official views. However, those that choose to dissent over the government's position see their freedom of action curtailed through irregular fiat, or become outlawed altogether, as is the case with Al Adl wal Ihsane. Thus, by definition most of these Moroccan CSOs are less bottom-up movements than they are elitist. The effectiveness of their work, therefore, stems from both their interconnectedness and their relationship with the establishment. The logistical support which these CSOs enjoy is far more important than that of independent organisations such as *Telquel*.³¹ Similarly, access to mainstream media outlets is facilitated by the regime, either explicitly or implicitly, through the pressure it puts on independent media organisations to cover their activities.³² Independent media are usually coalescent, either by conviction, given the importance of territorial integrity in the national discourse, or for fear of stigmatisation by the *Makhzen*.³³

In terms of international grassroots support, Moroccan CSOs enjoy less support than their Sahrawi counterparts, especially in Europe. However, in the US there seems to be more receptivity to Moroccan organisations, mainly as a result of greater institutionalised support for

³⁰ Interviews, Sahrawi CSO representatives, May 2009.

³¹ Telephone interview, Moroccan CSO, May 2009.

³² Interview, Moroccan CSO representative, September 2009.

³³ An Arabic term used to refer to the extended network of power and patronage of the Royal family.

the Moroccan regime there.³⁴ This was particularly the case during the Bush administration, when the Moroccan government benefitted from the sympathy of certain “neo-con” policy circles (Bolton 2007). This encouraged Morocco to formulate its autonomy proposal and to gather diplomatic support for its adoption as the new basis for negotiations with the Polisario. The “global war on terror” was a significant factor in the calculations of policy-makers within the Bush administration. By contrast, despite its increasing strategic importance for Bush’s war, Algeria’s categorical refusal to host the Pentagon’s planned Africa Command centre (Africom) tilted the balance towards Morocco, which appeared more favourable to the idea.

4. The Role and Impact of the EU

The EU’s interaction with Sahrawi CSOs is quasi-inexistent. With the exception of a few sub-national actors (mainly in Spain), some national members of parliament and a limited number of MEPs, institutionalised relations with Brussels are not something Sahrawi CSOs are accustomed to.³⁵ As mentioned earlier, the EU’s official engagement has been limited to providing relief aid to refugees through ECHO, the Commission’s humanitarian aid directorate. By their own admission, EU officials maintain a voluntary diplomatic silence on the issue, even in the context of bilateral interaction with Morocco – the latter having effectively made the Sahara question a taboo subject.³⁶ The absence of forceful campaigning on the part of Algeria in its relationship with the EU has largely contributed to this state of affairs. However, the Polisario leadership seems now aware of the importance of focusing part of its international work on the EU institutions.

The advice of the Independent Diplomat, an international consultancy providing diplomatic counselling to unrecognised entities, seems to have had an impact in this regard. The first ever visit to Brussels in early 2009 of Polisario head and SADR president, Mohamed Abdelaziz, presaged a change of Sahrawi policy towards carving out a more meaningful engagement with

³⁴ Notably through organised lobby groups such as the Moroccan-American Centre for Policy (<http://www.moroccanamericanpolicy.com>).

³⁵ Interview, Polisario official, London, June 2009.

³⁶ Interview, European Commission official, September 2009.

the EU. More formalised relations between the Polisario and the EU could pave the way for a more effective involvement on the part of the former in the resolution of the conflict, notably through local CSOs. These can also have easier access to EU funding programmes, of which they may not have been aware in the absence of such relations. In the meantime, with no ENP Action Plan, Special Envoy or political visibility, the Western Sahara issue is likely to remain on the EU's backburner.

With Morocco, on the other hand, the EU has had ample time and opportunity to try to gear the reform process towards more genuine change. Between the Association Agreement, the Action Plan and the "advanced status", it cannot be said that there has been a lack of institutional fora for so doing. However, the EU's approach to reform in Morocco has been criticised for lacking a political component and for not dealing with Morocco's record on its own merits, but always in comparison with the region's laggards. Most bilateral roadmaps for reform actually lack specific timeframes, actors and implementation/evaluation mechanisms. This may be true of the EU's approach to political reform in its neighbours in general and not just in Morocco. But the impact of such tepid engagement on the specific issue of Western Sahara makes the case of Morocco even more pertinent.

The fact that the EU has found it difficult to surpass the omnipresence of state-sponsored Moroccan CSOs whenever the issue of engagement with civil society has arisen is further evidence of its impotence not only to alter the structural setting of CSO activity, but also to empower these organisations to claim a life of their own. Despite being one of the most advanced recipients of EU money for this purpose, Morocco has managed to impose its preferred CSOs as the direct beneficiaries of EU programmes.³⁷ Without doubt, the establishment by the regime of human rights commissions such as the *Instance Équité et Réconciliation* (IER) and the CCDH has ensured that it is on *fuite en avant* mode when it comes to debating political reform with the EU.

³⁷ Interview, European Commission official, September 2009.

4.1 Testing the three hypotheses: the liberal peace paradigm, the disembodied civil society critique and the Gramscian critique

Which CSOs does/should the EU engage with, and how does/can the ENP increase the effectiveness of local civil society peace-building actions?

The answer to these questions in relation to Sahrawi CSOs is relatively straightforward: the EU does not engage with civil society in the Western Sahara either through the ENP or any other policy framework. This seems to be the result of a conscious decision on the part of the EU to avoid disagreement with the Moroccan government, which provides its policies in the southern Mediterranean with much-needed support and legitimisation. The fact that EU officials have been resigned to a backseat position, hiding behind the UN peace process, is not only an indication of their belief that this particular conflict is driven primarily by the top echelons of society, but also that the status quo is a desired situation.

The EU could engage with Sahrawi CSOs, be they of a fuelling or a peace-building nature, and help pave the way for their becoming more constructive actors in Sahrawi society regardless of issues of governance and sovereignty. However, the resilience of the EU's disengagement shows that its choice is structural and that it confirms the assumptions of the realist critique. These apply not only to the realities of the conflict, but also to the dynamics of EU foreign policy-making, which arguably remains heavily influenced by the member states. Should it become more engaged with local Sahrawi CSOs, the EU would find that there is a wide scope for the empowerment of civil society in Western Sahara, and that the task would be relatively easy to accomplish, given that the latter is well organised and has a clear identity and objectives. Thus, one could easily foresee that the liberal peace paradigm would be pertinent, if the EU was engaged with Sahrawi civil society.

Even in the case of Moroccan CSOs, the EU has refrained from availing itself of the numerous policy tools it has at its disposal to engage with civil society. The EU does not challenge the Moroccan government's position in the conflict, choosing instead to be accommodating towards

its interests, as illustrated by its conclusion of a fishing agreement that covers the waters of the disputed Sahrawi territories. In fact, under the present circumstances, an EU engagement with Moroccan CSOs would fail both to reach organisations with a modicum of autonomy from the government and to have a positive impact on the transformation of the conflict. This is mainly due to the fact that the Moroccan NGOs allowed to operate freely as regards the conflict are those with an agenda that is not so different from that of the government. This situation is in turn reflective of the fact that the Moroccan polity is not as liberalised as the EU likes to believe. As a result, in the absence of effective EU pressure on Moroccan state actors to engage in meaningful democratic reform, the prospects of EU engagement with civil society with a view to conflict transformation remain dim.

EU policies are currently ineffectual when it comes to the Western Sahara conflict owing to their failure to induce structural changes in the political systems of both parties to the conflict and to carve out ways of engaging with local CSOs. However, if the EU is to use the ENP as a vehicle of conflict transformation in the Maghreb through civil society it needs tread carefully to avoid exacerbating the situation. Indeed, as stipulated by the leftist critique, EU engagement could be detrimental to conflict transformation, as the EU risks misidentifying local CSOs and/or altering their nature and effectiveness at the expense of peace. This could happen in particular in Morocco, where dissident civil society lacks visibility and is generally overshadowed by government-supported NGOs that are promoted as a result of their complicity with the state. By misidentifying its local CSO partners, the EU risks not so much discrediting their activities in the eyes of the grassroots as alienating and disillusioning Sahrawi peace partners, which would be detrimental to conflict transformation.

However, the potential for EU policies to raise the effectiveness of CSO peace-building activities in the context of the Western Sahara conflict is significant, considering its political and economic leverage over Morocco. The EU provides more financial assistance to Morocco than to any other southern Mediterranean country, and the Moroccan government clearly needs the political anchor provided by its enhanced relationship with the EU. The EU could either concentrate on the transformation of the structure in which Moroccan civil society operates by pressurising state

actors to engage in far-reaching political change, or it could focus directly on the empowerment of CSOs by targeting their agency. This would fulfil the hypothesis of the liberal peace paradigm, but seems a farfetched possibility given the priority attached by the EU to the political stability of the Moroccan regime. Conversely, to attempt to achieve the same on the Sahrawi side would be less difficult for the EU, though more daunting in view of the reaction this would generate in Morocco. Such are the local constraints on EU engagement in the conflict.

5. Conclusion

Stemming from an incomplete decolonisation process and fuelled by belligerent rhetoric on both sides, the Western Sahara conflict is one of the most neglected conflicts in the world. The failure of the EU to develop a proactive approach to conflict resolution in Western Sahara is by and large the result of its lack of a multilateral framework of action in the Maghreb region. Moreover, its conscious decision not to engage with Sahrawi CSOs out of fear of disappointing the Moroccan ally, and the ambiguity resulting from its unwillingness to take a clear stance on what amounts to a de facto occupation of Western Sahara by Morocco, in breach of the UN-sanctioned right of self-determination of the Sahrawi people, compound in making the EU a passive actor in the game.

Concerning the CSOs under scrutiny here, two issues appear to play a conspicuous role in hampering the resolution of the conflict. One concerns the fuelling impact which CSOs on both sides tend to have, despite the fact that some of them, mainly on the Sahrawi side, appear to contribute to the dissemination of a counter-narrative to the internationally-endorsed and unquestioned fuelling discourse of the Moroccan regime. The other is related to the strong structural, financial, operational and ideological dependence of Moroccan CSOs on the Moroccan government. This clearly has an impact on their effectiveness and their ability to contribute to conflict resolution.

Turning to the EU's engagement with civil society in Western Sahara, two of the three hypotheses tested here are validated by the evidence presented in this paper, namely the realist critique and the leftist critique. On the one hand, the EU does not engage with the grassroots on both sides and

does not challenge the government's position out of its short-term interest in the political stability of the Moroccan regime. On the other hand, the EU risks engaging with, and financing, only the most visible CSOs, which, in the Moroccan case, are those closest to the official position. Finally, the hypothesis of the liberal peace paradigm remains for now far from fulfilment.

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Appendix 1: Map of Western Sahara



Appendix 2: List of interviews with Sahrawi and Moroccan CSOs

	<i>Name of CSO</i>	<i>Date of Interview</i>	<i>Category</i>
1	Sahrawi Journalists and Writers Union (UPES)	May 2009	Professionals
2	Association of Sahrawi Engineers for Development (AISD)	May 2009	Economic
3	Union of Youth of Saguia el Hamra y Rio del Oro (UJSARIO)	May 2009	Private citizens
4	Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH)	May 2009	Training and education
5	Association of the Families of Sahrawi Prisoners and the Disappeared (AFAPREDESA)	May 2009	Activism
6	Sahrawi Red Crescent	May 2009	Religion and activism
7	Sahrawi Press Service (SPS)	May 2009	Communication
8	Polisario Front representative	June 2009	N/A
9	Moroccan Institute of International Relations (IMRI)	September 2009	Professionals
10	Forum of Moroccan Economists	September 2009	Economic
11	Fouad Ammor	September 2009	Private citizen
12	Moroccan Centre for Human Rights (CMDH)	September 2009	Training and education
13	TelQuel	September 2009	Communication
14	Zakoura Foundation	September 2009	Funding
15	Moroccan Association for Human Rights (AMDH)	May 2009	Activism
16	Al Adl wal Ihsane	September 2009	Religion
17	European Commission delegation	September 2009	N/A