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Autocratic rule in the Maghreb and the Western Sahara stalemate
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AUTOCRATIC RULE IN THE MAGHREB AND THE WESTERN SAHARA STALEMATE

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Morocco and Polisario are finally holding talks. For the time being, the encounters do not actually qualify as negotiations, given that both sides have remained rigid in their mutually excluding positions and seem little inclined to pragmatism. The current stalemate in the conflict of Western Sahara is of course the result of a complex web of causes and developments in which Morocco, Polisario and Algeria all bear their share. However, independent observers attribute major responsibility for the current deadlock to Morocco's uncompromising and incoherent stances towards the Western Saharan people's rightful claim of self-determination, and the international community's failure to use their leverage to put pressure on the parties involved to compromise.¹

Analysis on Western Sahara typically focuses on the legal status question, security and humanitarian matters, as well as human rights in a narrower sense. The larger role of authoritarian rule in the countries involved – the quality of governance as a factor that determines domestic pressures on the parties and influences their negotiating behaviour in the conflict – is rarely assessed. The Western Sahara issue and the domestic political reform processes in Algeria and Morocco are mostly dealt with as separate issues. However, it is clear that the absence of genuine democratic governance across the Maghreb is an important obstacle to the consensus-building and compromise needed to come to a sustainable i.e. mutually acceptable settlement.

Domestic autocratic rule negatively influences the conflict in a number of direct and indirect ways, some of the most imminent of which will be raised in the following. First of all, autocratic rule inhibits the formation of a societal consensus via democratic procedures in any topic that represents or is perceived as threatening to the rule and privileges of the political establishment and its clients. In Morocco, these red lines include the monarchy, Islam, and the Western Sahara question (mostly phrased in terms of Moroccan "territorial integrity" and "sovereignty"). Societal consensus-building with regard to these issues is de facto replaced by the official lines set up by the authorities, and repression of any potentially influential dissent through formal or informal means.

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Second, as the Moroccan government lacks genuine democratic legitimacy through a free and fair popular vote, it needs to rely on nationalist sentiments as a glue to secure societal backing and ensure its own continuous rule. In addition to a number of tangible interests in Western Sahara including natural resources and geopolitical considerations, the palace's ability to hold the Moroccan claim to Western Sahara has been an important factor for the monarchy's domestic legitimacy throughout the past decades. Giving up this claim is therefore likely to constitute a potential threat to the stability of the regime. The perception of the Western Saharan people's claim to self-determination as equalling a threat to its own continued domestic hold on power is among the most important reasons for the Moroccan government's hawkish stances. Nationalism becomes thus a substitute for genuine political legitimacy.

Third, the de facto government-controlled media landscape does not usually allow mass outlets for strongly dissenting views on the Western Sahara issue. The consequence is that the Moroccan and Algerian public are largely excluded from actively taking part in the debate, which is largely held between government interlocutors. Whereas the Moroccan public is commonly said to feel strongly in favour of full Moroccan sovereignty, this is actually hard to verify as dissenting views on the issue of Western Sahara remain a strong taboo in mass and particularly broadcasting media, which only very few journalists dare to break, and not seldom with professional and personal consequences. The governments in the Maghreb, however, lack a genuine popular mandate through free and fair elections, plus they do not benefit from the insights of a vocal domestic public debate on the issue, and thus cannot claim to represent the actual preferences of the people of Morocco or Algeria.

Fourth, the great gap in particular between the Moroccan government's discourse and action reflects the complex double reality of Moroccan domestic affairs, which is characterised by formal democratic commitments paired with often undemocratic, arbitrary practice. Political elites both in Morocco and in Algeria use formally democratic institutions and procedures to achieve formal political legitimacy both domestically and internationally, but retain the strings of substantial political decision-making. They use a double-track strategy: permissiveness and superficial democratisation in technical and other relatively non-threatening areas, and persistent control over the policy areas that are considered key to the grip on power and political and economic privileges for the political elite and its clients.² Morocco's preparedness to impose upon the Saharawi people an order which is likely to be rejected by the majority of the population, and its willingness to agree to a referendum only if the pro-Moroccan result could be guaranteed in advance, reflect the logic of Moroccan domestic affairs in which effective representation and participation are not respected and elections are merely a means to apply a democratic gloss on the ever same ruling elite.

Fifth, the continuously flawed civil-military relations, particularly in Algeria, lead to conflicts of interest between the army and the government and reduce the latter's space of negotiation and ability to compromise even if it wished to. This is even more so as the decade-long conflict has further strengthened the position of the generals and thereby reduced incentives for them to negotiate a final settlement. To the degree the government needs to rely on the generals' implicit

consent for any concession or modification in its position in the conflict, an already difficult situation is further hampered by a domestic internal power struggle which would hardly be the case in a system with effective checks and balances.

Sixth, by granting the Saharawis the right to genuinely pick their rulers, the Moroccan government fears to set a precedent that may bring other groups in Morocco, namely the Berber population, to demand a decentralisation of powers away from Rabat.³ While this is a problem faced not only by autocracies but by many democratic states with a secessionist movement, the native Berber population of Morocco is still substantially discriminated against. In addition, allowing the Saharawi people to genuinely establish the rule of their choice may also raise some uncomfortable questions among Moroccan voters in general.

Seventh and most obviously, authoritarian rule enhances the risk of human rights violations. The Moroccan and the Algerian governments and the Polisario Front have on numerous accounts been accusing each other of violating human rights of the people under their respective rule. However, reports by independent human rights organisations emphasise above all the violations of human rights and fundamental freedoms committed by the Moroccan authorities both in Morocco and in the Moroccan-controlled part of Western Sahara.⁴ A Middle East program director at Human Rights Watch underlined how closely the domestic and Western Saharan human rights dimensions are linked: "through this conflict, the world can also understand and address the broader human rights challenges that remain for Morocco".⁵

Finally, even if there was a settlement between the parties, for example via a broadly autonomous Western Sahara under Moroccan flag, all of the above suggests that there would still be no reason to assume that the largely arbitrary rule of the Moroccan ruling elite would stick to formal agreements. Instead, the ruling elite might likely enter into formal commitments and try to undermine political opponents in a more subtle way by continuous informal harassment. This is a likely scenario especially as it would mirror the habitual strategic formula applied in Moroccan domestic affairs: sideline all genuine opposition via indirect, informal means, while at the same time maintaining a shiny international image through formal democratisation.

The role of international actors, in particular the United Nations (UN) Security Council, the United States of America (USA), the European Union (EU) and some of its member states, has commonly been asserted to have been substantial in the efforts to get to a settlement of the conflict to date, through both action and neglect. Recent years have seen the parties involved concentrating on attempts to gain the upper hand in the conflict by trying to secure support internationally, rather than to search for mutually agreeable solutions among themselves. Consequently, there has been substantial potential for international actors to influence the development of negotiations. However, the international actors involved have on the whole not used this potential in a way that would significantly alter the rigid positions of the Moroccan government. Among EU member states, France and Spain as the EU member states most closely linked to Morocco economically and politically have had the opportunity to positively contribute to a peaceful

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settlement of the conflict by putting genuine pressure on all parties to effectively safeguard human rights and respect the Saharawi people's rightful aspirations, in accordance with UN Security Council resolutions.

France in particular, as a permanent member of the UN Security Council has not used its leverage to press the parties involved to compromise. France has rarely criticised Morocco on human rights and democracy grounds during recent years, be it over its policies at home, in Western Sahara or in Morocco. Nicolas Sarkozy continues Chirac's course of a decidedly interest-led Mediterranean policy. Subsequent EU Presidencies have issued statements on the Western Sahara issue that largely echoed UN positions, and also bilaterally, EU government leaders have often referred to the UN's leadership on this issue when asked to take clear stances on the conflict or specific situations. The EU was particularly criticised for its decision to broker a fisheries deal with the government of Morocco that included fishing rights along the coast of Western Sahara. EU member states voted in favour of this deal in spite of a previously consulted legal opinion that declared the deal to be against international law as Morocco was disposing of the natural resources of an occupied territory.

More recently, the EU has been criticised for granting Morocco in October 2008 an "advanced status" of partnership with the EU, involving a promise of substantially enhanced integration with the EU, without explicitly excluding the territory of Western Sahara from the deal. While the EU statement for the occasion urges Morocco to "safeguard freedom of association and assembly, notably in the territory of Western Sahara" and to "show restraint in the recourse to force"⁶, nothing indicates that the Western Saharan territory will be excluded from the deal. Over 400 non-governmental organisations recently signed a petition to the EU Commission that demanded the explicit exclusion of the Western Saharan territory from arrangements under the 'advanced status'.⁷ By a similar token, in some instances EU diplomats in Rabat have claimed not to be able to comment on the human rights situation in Western Sahara on the grounds that the EU had not recognised Moroccan sovereignty over Western Sahara and therefore rejected diplomatic competence for the cases in question. These and other examples display the EU's ambiguity with regard to Morocco and Western Sahara, in which legal concepts appear to be flexibly shuffled around according to the requirements and interests of each situation.

It goes beyond the scope of this essay to elaborate on the reasons EU and particularly French and Spanish policy-makers may have for largely refraining from taking too decisive stances and throwing their full weight behind the search for a solution to this conflict. If they have so far failed to do so, it is commonly argued, it is because of a lack of political will to strain relations with key partner Morocco for the sake of such a relatively low-profile conflict with little strategic interest involved. Others argue that the interest in both regional stability and Western Saharan natural resources shared by Morocco and the EU is simply greater than the will to defend the Saharawi people's right to self-determination. Again others argue that the today low profile of the conflict stands in contrast to the numerous imminent hot spots in the region, which leads to a ranking of conflict priorities in which Western Sahara comes last.

What can be safely said is that European governments typically treat democratic reform processes in the Maghreb and the issue of Western Sahara not as complementary, but as two separate and even competing issues. A popular argument employed (in this and other imminent conflicts and security risks) is that the Moroccan government's will to cooperate cannot be jeopardised by putting too much pressure on it for democratic reforms. The political pressure needed to induce incumbent rulers to give up powers is considered counterproductive for international actors in their role as mediators in the conflict and maintain Morocco's and Algeria's will to cooperate. In this light, the resolution of long-standing regional conflict and democratic reforms in the Maghreb are portrayed as competing agendas.

This implicit assumption, which is a common thread across European policies in the Middle East and North Africa, is based on a deeply flawed logic. It is clear that imminent conflict resolution needs above all timing, fingertips and diplomatic skill. From a long-term strategic point of view, however, the requirements of international diplomacy must not be confused with entirely reactive crisis management and incoherent short-term policies aimed at symptomatic relief. In this sense, the Western Sahara conflict is another example of the EU's incoherence vis-a-vis the Southern Mediterranean which is strained by a perceived incompatibility between long- and short-term security goals.

Democracy in the Maghreb has on numerous occasions been declared by the EU as a vital component of any strategy towards building stability and security in its neighbourhood. At the same time, the EU and its member states keep on torpedoing their own declarations with contradictory measures that respond to short-term political or economic interests in the region.⁸ As long as the EU remains unable to reconcile its long-term goals (peace, security, prosperity, stability) in the region with imminent crisis management, the structural root causes of conflict (among them, the lack of democratic representation and political participation) will keep on fuelling further conflict. Starting a process to evaluate how to strike a balance between competing policies in the Southern Mediterranean should be at the core of a new, sustainable EU foreign policy and render much of the current ad hoc crisis management unnecessary.

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NOTES

1. See International Crisis Group: 'Western Sahara: Out of the Impasse'. Middle East / North Africa Report Nr. 66, 11 June 2007.
2. For a systematic account of this double track strategy, see Steven Heydemann: 'Upgrading Authoritarianism in the Arab World'. Saban Center for Middle East Policy at the Brookings Institution, Analysis Paper Nr. 13, October 2007.
3. International Crisis Group, op cit.
4. Human Rights Watch: 'Human Rights in Western Sahara and in the Tindouf Refugee Camps'. December 2008, available at www.hrw.org
5. See Human Rights Watch: 'Morocco: Suppressing Rights in Western Sahara'. Press Release, Rabat 19 December 2008.
6. European Union: 'Septième session du conseil d'association UE-Maroc, Déclaration de l'Union européenne', October 13, 2008, <http://www.delmar.ec.europa.eu/fr/communiqués/20081014a.htm>
7. Western Sahara Resource Watch: '426 organisations protest EU plans for Western Sahara'. Press Release, 5 December 2008, available at www.wrsww.org
8. For a detailed account of the EU's democracy and human rights record under the Neighbourhood Policy, see Richard Youngs (Ed): 'Is the European Union Supporting Democracy in its Neighbourhood?'. FRIDE / ECFR, September 2008, available at www.fride.org