UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA:

Approaching the Eleventh Hour

IFES White Paper

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United Nations Mission for the Referendum in Western Sahara: Approaching the Eleventh Hour

INTRODUCTION

This paper explores the strategies, operational considerations and political options available to the United Nations Mission for the Referendum in Western Sahara (MINURSO) to complete its mandate. These options are further elaborated into a plan of action to end the current stalemate over issues of voter eligibility associated with the status referendum.

MINURSO's principal implementing partners are the government of Morocco and the *Frente Popular para la Liberación de Saguia el Hamra y Rio de Oro*, or Frente POLISARIO. The threat of violence emanating from both camps has been an undercurrent to the implementation of the Settlement Agreement. This threat has taken the form of human rights violations and intimidation of Saharawis, as the inhabitants of Western Sahara are known, and extends back to the 1960's. According to Human Rights Watch, "In Morocco/Western Sahara, both civil society and state institutions are engaged in a lively debate over how to reckon with the legacy of gross human rights abuses committed during the reign of King Hassan II, notably during efforts to suppress leftist dissidents and advocates of self-determination for the disputed territory of Western Sahara between the 1960s and 1980s. These abuses included hundreds of cases of 'disappearances' that remain unresolved today, prolonged arbitrary detention, torture and long-term imprisonment on political charges."[1]

The Frente POLISARIO has kept the pressure on the conflict by its longstanding threat of resuming military action if progress is not made on the political front. After voter registration was temporarily suspended in May 1996, the Frente POLISARIO stated, "If POLISARIO decides to recommence its military operations, then it is entirely justified in doing so. POLISARIO has shown in recent years that it wants to choose the path of peace, but in the absence of a political solution it is now left with no choice but to fight for the rights of the Saharawi people."[2]

Such instability is not in the interest of the region or the international community. A vacuum in governance can create a haven for transnational crime and terror networks, which have become a focus of international concern since September 11. An eruption of violence on the western edge of the Mahgreb States threatens further destabilization in Algeria and creates another external concern for Egypt, already managing internal security problems while attempting to exert influence on the Palestinian-Israeli conflict. Therefore it would seem that the time is ripe for the international community to generate the political will to hold the referendum and reach a final settlement.

However, for more than a decade, the referendum has been stalled on the key issue of voter identification. Each side has a distinct view of how the electorate should be determined. This impasse illustrates a general principle: the importance of establishing personal identity for the conduct of democratic processes. It is the first of four issues related to personal identity in electoral processes: 1) identity establishment; 2) identity confirmation; 3) identity theft; and 4) identity cleansing.

The second phenomenon, identity confirmation, is by far the most common and is carried out every time a voter presents his or her voter ID card at a polling station. Identity theft, also known as voter impersonation, occurs when an identity is stolen for the purpose of casting a ballot. Identity cleansing is the systematic and widespread confiscation or destruction of identity documents to disenfranchise and displace significant populations of people.

The impasse in Western Sahara centers on the first category: identity establishment or the recording of an officially recognized identity with public authorities. This task is complicated in Western Sahara because of large refugee and displaced populations and differing definitions of who are the legal residents of the territory. By solving the technical and political issues associated with the identification and registration of eligible voters, a resurgence of violence can be avoided and a political process established to peacefully broker the conflicts between the two parties.

HISTORICAL ANTECEDENTS

The current conflict began in 1976, when Spain ceded its administration of Western Sahara, and Morocco, Mauritania and the Western Sahara-based *Frente* POLISARIO reaffirmed their claims on the territory. At the time the United Nations did not find grounds to accept Morocco's and Mauritania's claims of sovereignty over Western Sahara. In 1975, the UN General Assembly referred the matter to the International Court of Justice, which "…did not find legal ties of such a nature (to either Morocco or Mauritania) as to affect the application of the 1960 General Assembly Resolution 1514 (XV) in the decolonization of the Western Sahara and, in particular, the principle of self-determination."[3]

When the Spanish pullout was completed on February 27, 1976, the Jema, a local, unelected assembly established by Spain, informed the Secretary-General, through the government of Morocco, that the territory of Western Sahara had been reintegrated with Morocco and Mauritania. On the same day, the Provisional Saharawi National Council proclaimed the establishment of an independent state, the Saharan Arab Democratic Republic (SADR), which has since been recognized by more than 70 countries. Fighting broke out between Frente POLISARIO forces and troops from both Morocco and Mauritania. The conflict displaced a portion of the population to camps in the Tindouf area of southwestern Algeria.

Mauritania renounced its claim to the territory in 1979 following the overthrow of the incumbent President Ould Salek by Colonels Ahmed Ould Bouceif and Mohamed Khouna Haidalle, who formed the Military Committee for National Salvation. However, Moroccan troops took over the areas previously occupied by Mauritania and the fighting with the Frente POLISARIO continued. The same year, the Organization for African Unity (OAU) called for a referendum on self-determination for Western Sahara. This call set in motion a series of negotiations involving the United Nations that culminated in the Settlement Plan between the Frente POLISARIO and government of Morocco, whose implementation was supported by Security Council Resolutions 658 in 1990 and 621 in 1998. Resolution 658 established the United Nations Mission for the Referendum in Western Sahara (MINURSO).

MINURSO was mandated to oversee a transitional period that began with the cease-fire of 1991 and will presumably end with the certification of the referendum results. The specific elements of the MINURSO mandate are to:

1. Verify the reduction of Moroccan troops in the Territory;

2. Monitor the cantonment of Moroccan and Frente POLISARIO troops;

3. Take steps to ensure the release of all Saharawi political prisoners;

4. Oversee the exchange of prisoners of war;

5. Implement the repatriation program;

6. Identify and register qualified voters.

7. Conduct the balloting and the certify the results

This mandate was to be implemented by 800 to 1,000 civilian staff, 1,700 military personnel, and a security unit of about 300 police officers.[4]

IDENTIFICATION AND REGISTRATION PROCESS

The settlement agreement established an Identification Commission and a Referendum Commission to carry out the referendum in two sequential steps. The Identification Commission was charged with reviewing and updating the last census conducted by the Spanish Administration in 1974 and creating an up-to-date voter list. Once these identity-related tasks were completed, the Referendum Commission was expected to absorb the staff and resources of the Identification Commission and assist the Special Representative to conduct the balloting.

The settlement agreement provided for the enfranchisement of all Saharawis aged 18 years or older who had been counted in the 1974 census. The registration process also provided for the repatriation of conflict-forced migrants. Refu-

gees who were considered eligible to participate in the referendum could re-quest repatriation services from the United Nations High Commission for Refugees (UNHCR). As described in a UNHCR report, "In October 2000, UNHCR completed a comprehensive pre-registration exercise using the provisional list of voters identified by MINURSO. The aims of the exercise were to ascertain the willingness of the refugees and their families to repatriate and to determine their final desti-nation in the Western Sahara Territory. A total of 129,863 refugees were pre-registered for voluntary repatriation."[5]

In a society with sparse signature or photographic identity documentation, individual identity is often confirmed through a process of "social documenta-tion," that is, an attestation to the identity claim by a credible witness. In the case of Western Sahara, this social documentation had to be provided to mem-bers of tribal subgroups by other members of the same group. These groups were dispersed and difficult to re-assemble.

Social documentation processes have been employed in cases where hard-copy documentation was not widespread (East Timor); or in cases where identity documents have been systematically confiscated, and identity must be restored (Kosovo).

For the 1999 Popular Consultation in East Timor, the May 5 Agreement required that a registration process be conducted. To be eligible to participate in the status referendum, voters had to meet one of three criteria: 1) born in East Timor; 2) having at least one parent born in East Timor; or 3) being the spouse of some-one who falls under one of the first two categories. Initially, the UN referendum organizers (United Nations Assistance Mission in East Timor - UNAMET) decided to accept only certain documents as proof of identity and eligibly.

However, in recognition of the lack of paper documentation in many communi-ties, UNAMET amended its regulation and introduced an affidavit process for undocumented registration. A system of witnesses was considered, but eliminated due to time and logistical constraints. In the end, UNAMET accepted affidavits sworn before religious leaders or local chiefs. As the UNAMET report explains,

"Where an applicant is was not in possession of sufficient documentation to support his or her application to register, the District Election Officer would require such an individual to complete an affidavit. In the affidavit, the applicant attested to his/her identity and to the fact the he/she was born in East Timor. The affidavit had to be sworn before a religious leader or *kepala desa* (village chief) and witnessed by a registered voter who knew the applicant. For the purposes this provision, a 'religious leader' meant any person who had been designated by his or her religious organization as having the authority to swear/affirm affidavits (and could serve as an alternative to a kepala desa)."[6] This procedure did not delay the registration of more than 450,000 East Timorese in less than one month.

In Kosovo, the Organization for Security and Cooperation in Europe (OSCE) and the UN Civil Administration established a Joint Registration Taskforce (JRT) to manage the complicated responsibility of reconstructing the identity infrastructure of Kosovo in advance of municipal elections. The identity documents of thousands of fleeing Kosovars had been confiscated or lost. In addition, as Serbian municipal administrators departed their posts, records in many municipal buildings were trashed or destroyed. This documentary reconstruction had to occur as part of the organization of a civil and voter registry.

Approximately 92,000 out of 1,000,000 applicants could not produce identity documents, and the JRT support services could not find other records. In these cases, the social documentation was performed by investigation and profiling. JRT officers categorized these 92,000 applicants by gender, location and age, for a total of nine different groups. These different categories were rated on the risk of fraud, and these assumptions were tested by actual sampling of registrations. The risk of fraud was assessed based on such variables as proximity to borders, identified fraud patterns and ethnic population shifts.

As the OSCE reported, "Based upon the results of the sample investigations, a group profile would be validated. For instance, if little or no denials turned up for women over 45 years of age in Prizren, then the Inquiry Division would be able to recommend approval of all women fitting that description without further investigation because of the low risk for registration fraud."[7] Approximately 3.7% of the

cases were denied, and these extra steps did not impede the holding of munici-pal elections in October 2000.

In the case of Western Sahara, however, the process proved to be so cumber-some that in the first two months of operations only 4,000 out of 200,000 appli-cants from five Saharawi sub-factions had been interviewed. This slow pace caused another delay in the referendum date. When the Secretary-General visited the area in November 1994, four identification teams were processing 1,000 persons per week. After the visit, the Secretary-General proposed increas-ing the Identification Commission staff by 51 people.

By March 1995, the number of processing centers had increased from four to seven, and the Identification Commission was interviewing 150 people per day at each center. In April, an eighth center became operational. With a daily output of 1,200 interviewees, 250,000 people could potentially be processed in just over 200 days. By comparison, MINURSO had been in existence for more than 1,700 days at that point with low registration results.

However, a number of factors affected the registrant processing rate. Not the least of these factors was the "two-sheikh" requirement for each registration. The social documentation process required each identification to be confirmed in the presence of a representative from each party, a sheikh from each party, and an observer from the OAU.   The complexity of this arrangement translated into frequent breakdowns and work stoppages. Nevertheless, the number of persons identified reached 35,851 by May 15, 1995 and nearly 59,000 by November 1995. Table 1 shows the registration numbers at that point, before repeated problems stalled the process.

Based on this initial turnout, the following trends can be mapped. First, around 25% of the applicants were in refugee status, and most of the refugees were in Tindouf, Algeria. If this proportion held in the final registration list, roughly one quarter of the voting population would be in refugee status, not including internally displaced voters. These figures also suggest that the rate of successful identification was lower in the camps than in the territory by eight percentage points. The stale-

Table 1: Western Sahara Application Statistics, November 1995

Description	Figures	Percentages
Applications Processed		
Territory/Morocco	176,533	75.6%
Tindouf	42,468	18.2%
Mauritania	14,486	6.2%
TOTAL	233,487	
Persons Convoked		
Territory	46,701	61.6%
Camps	29,093	38.4%
TOTAL	75,794	
Persons Identified		
Territory	37,708	64.0%
Camps	21,239	36.0%
TOTAL	58,947	
Identification Rate		78% Average
		81% Territory
		73% Camps
Application Unprocessed	157,693	40.3%
TOTAL Processed and Unprocessed Applications	391,180[8]	

mate has kept these individuals in refugee status for a protracted period of time. *UNHCR Global Report 2000* states, "There was considerable frustration among the refugees living in four camps in the Tindouf region in Algeria, and tensions increased...in December."[9]

Table 2 below compares the percentage of Saharawi voters in refugee status with comparable statistics in other electoral processes that have involved populations of conflict-forced migrants.

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Table 2: Elections and Refugee Comparisons

Country	Date of Election	Estimated Number of Refugees at Signing of Peace Accord	Refugees as Percentage of Estimated Total Population
Namibia	Nov. 7-11, 1989	41,000	27.0%
Angola	Sept. 29-30, 1992	350,000	3.5%
Eritrea	April 23-25, 1993	900,000	28.0%
Cambodia	May 23-24, 1993	360,000	4.0%
Mozambique	Oct. 27-29, 1994	1,700,000	10.0%
Sierra Leone	Feb. 26-27, 1996	360,000	8.0%
Bosnia and Herzegovina	Sept. 22, 1996	1,200,000	27.0%
Liberia	July 19, 1997	750,000	25.0%
Totals and Average		5,661,000	16.4%[10]

A CULTURE OF IMPASSE

The identification and registration process was repeatedly stalled due to objections and disagreements over the process. The fundamental disagreement was that the Moroccans wanted to include all Saharawis as eligible voters, while the Frente POLISARIO wanted to limit participation to those enumerated on the 1974 census. The first sign of disagreement on voter eligibility requirements appeared in December 1991, when the Secretary-General established the criteria for voter eligibility ahead of the originally scheduled referendum date in January 1992. Morocco considered these criteria too restrictive, but nevertheless accepted them. However, the Frente POLISARIO asserted that the criteria expanded the eligibility base and went beyond the settlement agreement that limited eligibility to the 1974 census.

The resulting stalemate lasted until November 1993. Earlier that year, the Secretary-General sought to break the impasse by offering three options: 1) intensification of talks; 2) immediate implementation of the plan; and 3) adoption of an alternative plan not based upon the settlement agreement. It was during these discussions that the decision was made to establish the Identification Commission. At the initiative of the Secretary-General, a compromise plan on eligibility was

proposed and in July, it was reported to the Security Council that the two parties had agreed to the criteria and would conduct direct talks on other implementation issues. Although these talks did not take place, the referendum was tentatively rescheduled for mid-1994.

The preliminary identification and registration processes began in 1993 in Laayoune, but without the full acquiescence of the Frente POLISARIO. The Identification Commission was provided with a master list of all individuals enumerated in the 1974 census, as updated with a supplemental list of additional persons who had reached 18 years of age by the end of 1993. Applications to register were distributed at designated sites, including the Tindouf refugee area. To register, applicants had to prove their identity and prove that their name was on the master eligibility list.

As this identification process got underway, other disagreements emerged. In early 1994, the Secretary–General once again put forth three options to resolve the impasse: 1) to proceed with the referendum whether both parties agree or not; 2) to continue the work of the Identification Commission while the UN sought agreement of the parties; and 3) to have the Security Council conclude that cooperation could not be obtained and terminate the MINURSO mandate. The Security Council decided on option two and the MINURSO mandate was renewed. The identification and registration operation was finally launched with the cooperation of all parties in August 1994 in Laayoune and the El-Aiun camp in the Tindouf area.

In June 1995, the Frente POLISARIO suspended its participation in the identification and registration process to protest the sentencing by Morocco of eight Saharawis to 15 to 20 years in prison for demonstrating. Another point of contention was Moroccos's intention to submit 100,000 applications of non-Saharawis to the Identification Commission. The registrations resumed in July, but the Frente POLISARIO continued to object to the 100,000 Morocco-based applicants and to applications from members of certain tribal groups in the Territory, namely the "Tribus del Norte," "Tribus Costeras y del Sur," and "Chofra." Their rationale for rejecting these applicants was that these groups did not belong to the Territory.

In order to address these issues, the Secretary-General presented a potential solution. He proposed that in processing the three tribal groups (out of 88 in total) and the out-of-Territory applicants, sheikhs and OAU observers would be present at each identification interview. If no sheikh was present, the application would be considered based on documentation. Two forms of documentation were specified, "first, a birth certificate issued by the competent authorities in the country of the applicant's birth to substantiate that he or she is the child of a father born in the Territory or has other links with the Territory; and secondly, a document issued by the competent authorities within the internationally recognized frontiers of the Territory before 1974 to substantiate the father's birth in the Territory." [11] Neither party accepted this proposal. Morocco favored oral testimony over documentation; the Frente POLISARIO contended that this option would allow for the introduction of new applicants beyond previous agreements.

By early 1996, the Secretary-General recommended that the identification process be suspended in the absence of meaningful progress in implementing the settlement plan. The members of the Identification Commission would leave the mission area and the records would be transferred to Geneva.

The current mandate of MINURSO expired on April 30, 2002. The Security Council renewed the MINURSO mandate until July 31, 2002 "to allow time to examine proposals by Secretary-General Kofi Annan on breaking the current impasse over the territory."[12] Secretary-General Annan put forth a plan to the Security Council with the following four options:

1. Imposition by the UN of its settlement agreement, without requiring the concurrence of both parties;
2. Imposition of a Framework agreement revised by James Baker, the "Houston Agreement";
3. Negotiation of a partition of the Territory until November 2002. In the absence of an agreement, the proposal would be presented by the Security Council on a non-negotiable basis; and
4. Withdrawal of MINURSO.[13]

Press reports surfaced in February 2002 about the UN's consideration of partition as a way of resolving the Western Sahara impasse. The south of the Territory would be independent, with Dhakla as its capital, and the north would go to Morocco.[14] In his February 19, 2002 report to the Security Council, Kofi Annan quoted his personal envoy James Baker as reporting that "Algeria and the Frente POLISARIO would be prepared to discuss or negotiate a division of the Territory as a political solution to the dispute over Western Sahara."[15] At present, the Secretary-General does not have under consideration an Algerian proposal to place the Territory under a UN trusteeship until a referendum is held.

Although the identification and registration aspects of the electoral process have been stalled, the Saharawi are participating in forms of self-regulated elections such as in refugee camps. The Saharawi refugees were originally organized into three camps each named after a town in Western Sahara – Smara (a sacred town), Dhakla (the largest port), and El Aaiun (the capital of Western Sahara). A fourth camp, called Auserd after a small, interior Western Saharan town, was later formed because of population growth. These camps are located near the oasis town of Tindouf in Algeria.

The camps are self-governed by "popular council(s) where the president of the council is directly elected by the population of the community that he/she serves. Each council has five administrative committees (health, education, food distribution, handicraft and justice). The heads of committees are selected by the members of their respective ministries in the annual congress."[16]

External Factors Affecting the Conflict

The identification and registration issue is the key to move forward the settlement agreement. However, other elements also must move forward, including the reduction of Moroccan troops in Western Sahara, the cantonment of Moroccan and Frente POLISARIO troops, and the repatriation of refugees by UNHCR. In the meantime, military observers from MINURSO continue to monitor the cease-fire.

Implementation of the MINURSO mandate is complicated by additional external

factors. For example, there is an on-going dispute about the status of contracts for oil exploration rights in Western Sahara that were signed with the government of Morocco. According to a news report quoting Hans Correll, UN Legal Advisor, "the distinction (made by Morocco) between exploration, which would be in itself legal, and the exploitation of natural resources, which would be illegal, is completely artificial and in contradiction with positions which the Security Council took in Angola, Congo and Sierra Leone. In this context, the Frente POLISARIO considers that it is essential that the Security Council take measures to prevent the signed contracts from being executed as long as the settlement process has not been completed for Western Sahara."[17]

The issue of Moroccan settlements in Western Sahara is also destabilizing the status referendum process. On March 10, 2002, Saharawi Prime Minister Bouchraya Beyoun asked "for a stop to the establishment of colonies of settlers" in the occupied area of Western Sahara. In fact, he denounced it harshly as a "criminal operation...evacuating the territory of its inhabitants...in order to put in Moroccan settlers."[18]

The Western Sahara dispute also contains a tragedy of "disappeared" persons. This divisive issue recently received the attention of the UN Human Rights Commission, which adopted a resolution (E.CN.4/2002/L.6) requesting the parties to "settle the problem of disappeared people and exhort(ing) them to honor the obligations incumbent upon them in virtue of international humanitarian law, to release all persons held since the beginning of the conflict."[19]

A CRITIQUE OF PREVIOUS APPROACHES

MINURSO has adopted a number of strategies and operational methods that in hindsight appear to have slowed or limited the effectiveness of the mandate. The following are some of the problematic approaches:

1. Although there was consultation between MINURSO and the Saharawi and Moroccan political communities during the development of the identification framework, there was apparently no effort to create joint structures, committees

or other bodies to facilitate the referendum process and create a sense of shared ownership of the process.

2. The steps of identification, registration and voting were not administered as an integrated process, but were treated as separate events that had to be accomplished sequentially rather than concurrently. The establishment of two separate commissions, Identification and Referendum, exacerbated this fragmentation and limited the dexterity of the process.

3. The referendum organizers fell prey to "stall" tactics, as often employed in transitional elections. The stall tactic is a mini-boycott employed to gain some concession or express some grievance about the electoral process. Parties stall by linking their participation in the process to election issues (i.e. identity procedures) or outside issues (i.e. political prisoners). Both parties employed stalling tactics. The opening for the first stall came in 1991 with the dispute over the SRSG's criteria for voter eligibility.

4. Political processes and civil society in Western Sahara and Morocco have legacies of confrontation rather than reconciliation. Political and civic discourse has not substantially moved beyond the initial and expected confrontational stage. As a result, political parties and civil society organizations do not seem to approach the process from a non-confrontational perspective.

New Options for Ending the Stalemate

A disputed, sparsely populated and essentially stateless territory can be an attractive haven for terrorist and criminal groups. Completing the referendum would have the merit of establishing an accountable government in the Territory that could be induced to deter terrorist and criminal interests from operating within its borders. The importance of this goal should help create the political will to overcome the obstacles in the way of a settlement.

In 2002, there have been renewed calls from concerned governments and assemblies to resolve the stalemate and proceed with the referendum. For

example, on January 21, the Presidents of Ethiopia and Algeria issued a joint statement from Algiers supporting the UN peace process and calling for the organization of a referendum on self-determination.[20]

The Spanish Parliament unanimously passed a resolution on February 18 that supports the referendum process. In the resolution, the Parliament also requested the government of Spain, now holding the rotating EU presidency for six months, "to involve itself more actively in reaching a solution 'in keeping with UN principles.'"[21]

Eight members of the United States Congress sent a letter on April 17, 2002 to President George Bush that said in part, "...in this time of international cooperation in fighting the war against terrorism, it is vital that less visible issues not be forgotten.... Unfortunately, our nation has helped undermine the referendum by our inaction on the issue. We urge you to remedy that inaction by clearly communicating to the King the necessity of holding the referendum."[22]

In order to change the political dynamic of an 11-year stalemate, a different strategic and operational approach should be introduced into MINURSO's organization of the referendum. There are seven strategic points to be considered:

1. MINURSO is developing a political process, not organizing a single event. This status referendum is not a discrete event; rather it is the start of an internationally supervised process to resolve state status and create political channels to prevent violence in the post-referendum phases.

2. In order to overcome the impasse, the referendum process will require an infusion of resources to enhance its horizontal capacity to conduct identification and registration activities on a broader scale, and also to develop its vertical capacity to go more deeply into political, civil society and media sub-strategies to promote the referendum. Local players must see a palpable change in the dynamic of international involvement in order to be convinced that the process is coming to closure.

3. MINURSO's expanded activities may now have a higher priority for policy-

makers as Western Sahara becomes a potential conflict flashpoint and haven for terrorist and criminal activity in the region.

4. Contingency planning for the post-referendum transitional administration and establishment of institutions of governance should occur during the referendum preparation process.

5. The strategy should also consider what joint structures, committees and other bodies can be established to facilitate the implementation of the referendum.

6. In the previous efforts, identification, registration and voting were conceived and administered as separate steps, not an as integrated process. By situating each step in an "all or nothing" mode, inordinate pressure built up on the first steps of identification and registration, and the process never proceeded beyond that point. While recognizing the natural electoral chronology, processes such as voter education for election day can be conducted during registration periods to show voters how the two steps are linked.

7. Reduce the opportunities for stalling tactics to be used by either side.

In addition to these strategic considerations, there are six operational points to be considered:

1. Identification, registration and voting should be under the supervision of a single Commission and secretariat.   The Commission should be empowered by the SRSG to develop an integrated framework for the conduct of identification, registration and balloting. The Commission and the secretariat should be a partnership of international, Saharawi and Moroccan participants.

2. The Commission should be empowered to establish a set of joint oversight committees involving the international community, Saharawi interests, and the Moroccan government in structured discussions about the referendum.

3. The international community should devote resources to educating civil society

about the referendum and how to support the settlement agreement. The program should include special outreach efforts for refugees, women and nomads.

4. Complaints about egistration and other aspects of the referendum should be directed to a separate sub-commission that would hear and adjudicate such claims. The sub-commission should also be internationally supervised with Saharawi and Moroccan participation.

5. Identification, registration and balloting could operationally occur within a 24-month period, divided into four phases:

Phase I – Start-Up and Reconsolidation (Month 1 – Month 6)
During this Phase the staffing, infrastructure and regulatory framework would be established to conduct the identification, registration and balloting.

Phase II – Identification and Registration (Month 7 – Month 19)
The objective of this Phase would be to preserve and use as much of the existing identification and registration data as possible; to conduct the balance of the identification and registration; and to adjudicate appeals for the cases in dispute.

Phase III – Campaigning (Month 20 – 23)
This Phase would provide an opportunity for public information and discussion concerning the referendum.

Phase IV – Balloting and Certification of Results (Month 24)
During this Phase voters would cast ballots and the results of the balloting would be tabulated, certified and announced.

6. The implementation strategy must have a robust confidence-building program. The confidence-building messages should include themes of partnership, transparency, fairness and inevitability. These measures should be vigorous enough to reverse the culture of impasse that has been established.

CONCLUSION

The political process cannot proceed without political will. If the referendum process remains a repository for stalling tactics and unrelated issue linkages, then the fundamental basis for its existence has been compromised. However, the international organizers have the opportunity to adjust the strategic approach, resource commitment, and long-term perspective on the process to build a new momentum to complete the referendum process.

The strategic and operational approach outlined above combines both the top-down approach that has been employed up until now with a new grassroots program of joint structures, civil society education and dialogue to support an open referendum process.

By emphasizing local ownership and by allocating the level of resources necessary to accomplish the registration in a timely manner, the referendum process has another chance to succeed and to prevent the recurrence of territorial violence in Western Sahara.

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NOTES

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[3] *The Blue Helmets, A Review of United Nations Peacekeeping*, 1996, page 269.

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[5] *UNHCR Global Report 2000*, North Africa, Regional Overview pages 237-238.

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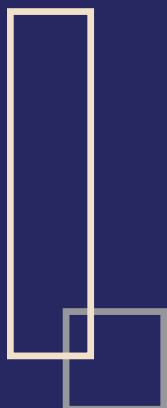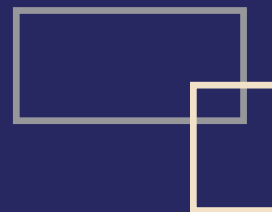*Western Sahara Weekly News*, February 27, 2002.

ABOUT THE AUTHOR

JEFF FISCHER currently serves as a Senior Advisor for Governance and Elections at the International Foundation for Election Systems (IFES). Mr. Fischer served as the organization's Executive Vice President from 1993 to 1999 where he directed the daily operations of all IFES departments and programs.

Mr. Fischer has held three internationally appointed posts in post-conflict transitions. In 1996, he was appointed by the Organization for Security and Cooperation in Europe (OSCE) to serve as Director General of Elections for the first post-conflict elections in Bosnia and Herzegovina. In 1999, Mr. Fischer was appointed by the United Nations (UN) as Chief Electoral Officer for the Popular Consultation for East Timor. And, in 2000, Mr. Fischer received a joint appointment from the UN and OSCE to head the Joint Registration Taskforce in Kosovo and served as the OSCE's Director of Election Operations in Kosovo. In 2001 and 2002, Mr. Fischer has continued to support the Kosovo political process by serving as a Senior Advisor to the OSCE Mission in Kosovo.

Mr. Fischer has also directed IFES technical assistance projects in Haiti (1990-91) and Guyana (1991-92). Mr. Fischer has worked on election assistance, observation, or conference projects in more than 50 countries. In 1985, Mr. Fischer was appointed to a four-year term as Commissioner on the Kansas City Election Board, and from 1990 to 1993 he served as a Commissioner for the Missouri Campaign Finance Review Board.

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