

By Mark Pabst  
Senior Correspondent

# A Sisyphean Task

*Both Morocco and the government of the Sahrawi Arab Democratic Republic (SADR) agree that the United Nations' choice of Christopher Ross as the new UN envoy to Western Sahara is a good one. Unfortunately for Ross, that may be the only thing the two sides agree on. Now, with both Rabat and SADR using the potentially rich oil deposits off the Western Saharan coast as a political football, Ross' task appears, if anything, more difficult than that of his predecessors.*

**T**he situation in Western Sahara has frustrated many a career diplomat. When Morocco and the exiled government of the Sahrawi Arab Democratic Republic (SADR) agreed to a United Nations brokered ceasefire in 1991, many observers hoped for a quick political solution in the wake of the fighting. The UN pushed for a referendum to determine whether the Western Sahara, a sparsely populated territory comprising over 250,000 sq km wedged between Morocco, Mauritania, Algeria, and the Atlantic Ocean, would become independent or be integrated into Morocco. Unfortunately, the two sides could not agree on who was eligible to vote in the referendum, leaving Western Sahara in a type of political no man's land. Over 80 countries and a number of organizations, including the African Union, recognize Western Sahara as an independent country with the Sahrawi government in exile its legitimate representative. However, such recognition means little on the ground in the territory, where Morocco administers the territory and an estimated 160,000 Moroccan soldiers remain firmly in control.

A number of high profile envoys, including former US Secretary of State James Baker and Dutch diplomat Peter van Walsum, have worked on behalf of the UN to mediate a peaceful solution to the current impasse. Baker resigned in 2004 after both Rabat and officials representing SADR rejected a number of his proposed compromises. Walsum's appointment as special UN envoy

expired in August, with the diplomat venting his frustrations over Sahrawi intransigence and Moroccan obstinacy in an editorial that appeared in the Spanish daily *El Pais* only days after his term as envoy ended.

In January Christopher Ross, an American, took over the position as the UN representative tasked with convincing both sides to end Africa's longest-running territorial dispute. Like Baker and Walsum, Ross comes to the job with an impressive resume, including ample experience representing US interests in the Middle East and North Africa. However, there is little to suggest that the Ross will succeed where his predecessors failed. In fact, recent developments imply that the situation is rapidly becoming more complicated.

In the past the two sides have wrangled over who is legally entitled to license offshore oil exploration activities along Western Sahara's Atlantic coast. Both Morocco and SADR have granted various private companies the right to prospect, but many international observers, including the UN personnel working on a long-term solution to the Western Sahara conundrum, have publically worried that commercial oil production in the territory would be a hindrance to the peace process. In 2002 the head of the UN's Office of Legal Affairs declared that, given the territory's disputed status, oil exploration in Western Sahara is legal under international law but oil production from the territory is illegal. The somewhat counterintuitive

decision helped sap the interest of many companies eager to jump into the Western Saharan offshore game. Major players operating in the area under Moroccan exploration licenses also came under attack by a coalition of NGOs that organized a successful divestment campaign, bringing negative press to companies like Total and Kerr-McGee and providing opponents of the Moroccan administration of Western Sahara a substantial victory.

Now the SADR government is hoping for a replay of its earlier successes. In January the Sahrawi government went on the offensive against Kosmos Energy, a US-based independent that now holds a majority stake in an exploration block Kerr-McGee relinquished, and Fugro-Geoteam, a Dutch-Norwegian services company which began exploration activities on Kosmos' block in January. Kosmos is working under a license awarded by Morocco, and has not approached the SADR government for permission to explore off Western Sahara. Emhamed Khadad of the SADR government's Petroleum Authority sent a letter to Kosmos' CEO James

*...the resolution demonstrates a certain level of Sahrawi audacity; the SADR government moves quickly and confidently despite having little control on the ground in Western Sahara.*

*Most analysts agree with Dark that Ross' best chance to deliver an agreement is to convince the Sahrawis to accept some level of autonomy within a union with Morocco. However, to deliver such a coup Ross would have to succeed where his predecessors failed miserably.*

Musselman in response to recent activity on the block, stating that the "Government of the SADR... reserves the right to use all available means, including legal avenues, to prevent and seek reparation in respect of any unauthorized activities relating to the natural resources of Western Sahara." In the letter Khadad also recalled the damage done to the international reputations of Total and Kerr-McGee when the two companies undertook exploration without first consulting the SADR government.

Kosmos has chosen to ignore the thinly veiled threats contained in Khadad's letter. One reason could be that Kosmos, as a relatively small, privately held company, is less vulnerable to the type of public shaming and divestment tactics that worked so well with Total and Kerr-McGee. However Fugro, the company contracted by Kosmos to acquire seismic on its Western Saharan acreage, has shareholders who have already demonstrated a willingness to divest. According to the website of the Norwegian state oil fund, the fund owned 0.4% of Fugro as of December 2007. The same fund sold its stock and bond holdings in Kerr-McGee in 2005 under pressure from the Western Sahara divestment campaign.

In an attempt to add a political exclamation point to its warnings to Kosmos and Fugro, the SADR parliament passed a resolution in late January confirming the government's "exclusive rights to the oil, gas and fisheries resources offshore of the territory of Western Sahara." The resolution sets up offshore Western Sahara as an exclusive economic zone, with all economic activities in the zone

to be regulated by the SADR government. The move was not only designed to beef up the Sahrawi response to Kosmos' offshore activities, but establish a legal framework for the government's own offshore licensing regime. In addition, the resolution demonstrates a certain level of Sahrawi audacity; the SADR government moves quickly and confidently despite having little control on the ground in Western Sahara.

Meanwhile Rabat maintains that its position in Western Sahara is completely legal under international law, and continues to point out that the UN recognizes Morocco as the Administering Authority in the territory. As the legitimate administrator of the territory, the kingdom insists it has the right to enter into contracts with companies hoping to explore for oil in Western Sahara. With Morocco confident in its right to exploit Western Sahara's natural resources, the authorities in Rabat are understandably aggravated by the SADR government's continuing attempts to torpedo oil exploration in Western Sahara. In a letter to *Petroleum Africa* magazine Calvin Dark, director of communications for the Rabat-funded lobbying group Moroccan American Center for Policy claimed: "The solution to the problem of the Western Sahara lies not in threats and attempts at blackmail and intimidation. Rather, what is truly needed at this point is for (the SADR government) to negotiate...towards a compromise political solution based on Morocco's proposal of autonomy for the region under Moroccan sovereignty."

The inflexibility of both sides is certainly not good news for Ross. While some observers believe Ross will enjoy an advantage over Walsum because of the new envoy's contacts in the Washington power structure, he will only benefit from his contacts if he can convince Washington to bring pressure on one or both sides to find an acceptable middle ground. The SADR government's tenacity in its fight over offshore oil rights indicates that the Sahrawis are in no mood to grant easy concessions. Morocco, which still enjoys *de facto* control over the vast majority of Western Sahara and refuses to consider independence for the territory, is unlikely to become more



Source: United Nations

magnanimous in its negotiating position given the Sahrawis repeated attempts to thwart oil development in the area.

Most analysts agree with Dark that Ross' best chance to deliver an agreement is to convince the Sahrawis to accept some level of autonomy within a union with Morocco. However, to deliver such a coup Ross would have to succeed where his predecessors failed miserably. Walsum drew the wrath of the Sahrawi government in exile last April when he suggested Sahrawi independence was not a realistic proposition. The envoy later explained his statements as a negotiating tool to get the Sahrawis to warm up to the idea of autonomy. The tactic not only failed, but likely cost Walsum his job. The recent row over offshore rights can only add to Ross' headaches. Even if the envoy can convince the SADR government to accept the idea of autonomy instead of outright independence, the Sahrawis continue to demonstrate a willingness to play hardball over Western Sahara's offshore resources. Hammering out the details about how oil revenues will be split in an autonomous Western Sahara could be an agonizing process. With oil exploration now a central part of the struggle over Western Sahara's future, any company willing to prospect in the area will have to have a thick skin and determination to spare. Any company wanting to produce oil from the region will need a little luck, a lot of patience, and a great deal of faith in Christopher Ross. **PA**