

U.N. REFERENDUM FOR WESTERN SAHARA: 9 YEARS AND COUNTING

HEARING BEFORE THE SUBCOMMITTEE ON AFRICA OF THE COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED SIXTH CONGRESS

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U.N. REFERENDUM FOR WESTERN SAHARA: 9 YEARS AND COUNTING

Wednesday, September 13, 2000

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA
COMMITTEE ON INTERNATIONAL RELATIONS
Washington, D.C.

The Subcommittee met, pursuant to notice, at 2:10 p.m. in room 2255, Rayburn House Office Building, Hon. Edward R. Royce (Chairman of the Subcommittee) presiding.

Present: Representatives Royce, Pitts

Mr. ROYCE. This hearing of the Subcommittee on Africa will come to order. Today, the Subcommittee will examine the troubled peacekeeping operation in Western Sahara. This Subcommittee has closely watched MINURSO.

Over the years, we have held several hearings focusing on it. Before that, Congress passed a resolution led by this Subcommittee expressing support for former Secretary of State James Baker's efforts as U.N. Special Envoy to move along the stalemated process. A vote to determine whether resource-rich Western Sahara is to be incorporated into Morocco or become an independent state was originally set for January 1992. That was more than 8 years ago.

Now, 8 years and some \$440 million later, MINURSO unfortunately is far from its goal. The U.N. itself is at a point of reaching this conclusion. This May, in this report, Secretary General Kofi Annan noted the prospects for holding a referendum were as distant as ever. In his latest report, the Secretary General observed that the problems between the parties had deepened.

Special Envoy Baker has said recently that the referendum, in his words, "is in big trouble." His July meeting with the parties in Geneva came to an abrupt end, with the Secretary General reporting that these talks had seen the parties move, in his words, "move things backward." It is discouraging that the Secretary General has cited problems wholly distinct from the often-noted registration dispute, including the implementation of a code of conduct for the planned referendum campaign. Annan has reported that the process has been impeded by "fundamental differences between the parties over the interpretation of purposes."

It is clear to me that the U.S. and other countries have been unwilling to pressure Morocco enough to achieve the implementation of a fair referendum. This suggests it is nearing time to shut down MINURSO. It costs some \$45 million to run, and the credibility of U.N. peacekeeping is once again at stake. If peacekeeping is going

to be strengthened and win backing here, then we cannot afford to support interminable missions with unachievable mandates.

The Administration testified to this Subcommittee that in the face of no MINURSO progress, U.N. resources should not be used for what then becomes a stop-gap measure. It expressed in no uncertain terms that time was running out. That was 2 years ago. If MINURSO is terminated under these circumstances, the Administration has a responsibility to provide an honest accounting of which party bears responsibility for its failure. That is a point I made 2 years ago, and it is a point that still holds.

Sadly, many Sahrawis have put their faith in a process that appears to be a mirage. I wish it were different, and I should note that Jim Baker has another meeting scheduled for later this month at which he will try to pull a diplomatic rabbit out of a hat, but short of that, I do not see why the U.S. should continue approving U.N. resolutions extending MINURSO.

We will now hear from our witness, Allen L. Keiswetter, who was appointed Deputy Assistant Secretary of State from the Bureau of Near Eastern Affairs in July. He was previously the director of Arabian Peninsula affairs. He holds the rank of minister counselor. Ambassador Keiswetter joined the Foreign Service in 1967. He is a graduate of Dartmouth College and holds advanced degrees from Johns Hopkins School of Advanced International Studies and Harvard University. Ambassador, thank you for joining us today, and if you would begin with your testimony.

[The prepared statement of Mr. Royce appears in the appendix.]

**STATEMENT OF ALLEN L. KEISWETTER, DEPUTY ASSISTANT
SECRETARY OF STATE FOR NEAR EASTERN AFFAIRS, U.S.
DEPARTMENT OF STATE**

Mr. KEISWETTER. Thank you very much, Mr. Chairman. I am greatly honored to have this opportunity to appear before you regarding the Western Sahara. As you have noted, this is an issue that expanded the past quarter-century and has constituted instability and a financial burden on the countries and peoples involved. I would like to address first the U.S. interests and our role in the Western Sahara; second, recent developments which you have already outlined; and, third, the prospects and U.S. policy.

A peaceful settlement would enhance the stability of the Maghreb region, as well as the stability of the Mediterranean Basin more generally. It offers the prospect of strengthening political, economic, and commercial cooperation for the betterment of all concerned. Unresolved, this dispute constrains the opportunities of the region and leaves several hundred thousand Sahrawis with a bleak and uncertain future. If the situation deteriorates, a return to violence would bring new suffering and hardship, threaten potential political and economic liberalizing trends in Algeria and Morocco, and pose serious risks for the stability of Maghreb, with serious implications for Southern Europe.

With these interests at stake, we continue to strongly support the mediation efforts of the United Nations undertaken since the late-1980's. We remain committed to an early and durable, peaceful solution to this long-running conflict. This can happen only with the full cooperation of all of the parties. These principles undergird

our support for the mission of the United Nations Secretary General's personal envoy, former Secretary of State James Baker. We believe the U.N. remains in the best position to bring about a solution to this case.

It was U.N. Secretary General Perez de Cuellar who began implementation of the "cease-fire-and-referendum" framework solution agreed to by the parties. This plan laid out the mechanisms for resolving whether the territory would become independent or a province of Morocco based on a vote of the native population. In essence, it required the identification of eligible voters, the return of refugees to the territory, and a vote under the auspices of the United Nations.

Despite this framework agreement nearly a decade ago, there has been only slow progress toward implementation. Serious political differences between the parties continued to block prospects for an early vote on the future of the territory. By December 1999, MINURSO had succeeded in completing the contentious Phase I of the referendum process, the identification of potential voters. Indeed, an impressive total of more than 200,000 prospective voters were processed in the course of this exercise, and about 90,000 were found eligible. However, the referendum remains pending because of disputes over the voting lists. The parties continue to disagree over the grounds for appeals by those persons not included in the list of eligible voters.

As you have noted, U.N. Secretary General Kofi Annan has said that dispute over the appeals "allows the impossibility of holding the referendum before the Year 2002 or even beyond." The number of appeals now total more than 130,000. The question is how to respect the rights of the voting applicants while avoiding a retreat to use a long identification process.

Another obstacle in the resolution of this conflict has been the repatriation of refugees. The parties have not come to an agreement regarding the draft refugee-repatriation protocol presented by the U.N. High Commission on Refugees. So far, the parties have also not agreed to implement proposed cross-border, confidence-building measures that would improve the lot of the 120,000 or so refugees that had been preregistered.

Despite these obstacles, the U.N. continues to facilitate talks. In February of this year, U.N. Secretary General Annan asked his personal envoy, James Baker, to consult with the parties to explore ways to achieve an early, peaceful, and durable settlement. He recommended to the U.N. Security Council that it extend MINURSO's mandate until May 31st of this year to provide time to meet with the parties. In an effort to either reconcile differences over the implementation of the settlement plan or find alternative approaches to help solve the dispute over the Western Sahara, Mr. Baker visited Algeria, Morocco, the Western Sahara, and Tindouf, Algeria, where he met with the POLISARIO leadership.

In May, Secretary General Annan invited Morocco and POLISARIO, as well as observers from Algeria and Mauritania, to talks in London presided by Mr. Baker. It was the parties' first direct contact since 1997. The talks permitted a frank exchange of views that were inconclusive.

In late May, the U.N. Security Council voted to extend the MINURSO mandate until the 31st of July in an effort to provide additional time to address the remaining issues. A second round of talks was convened on June 28th in London. The parties were asked to bring specific solutions to resolve all outstanding settlement plan issues or be prepared to consider and discuss other ways to achieve "an early, durable, and agreed resolution of dispute." Because of the lack of progress, Baker called on the parties to meet again, emphasizing the need for flexibility on both sides, either toward moving forward with the U.N. settlement process or perhaps through a solution that rested in between full independence and full integration of the Western Sahara into Morocco.

In late-June, the U.N. Security Council voted unanimously to extend MINURSO's mandate to October 31st, with the expectation that the parties will meet again in direct talks under Baker's auspices to resolve the multiple problems related to implementation of the settlement plan and to try to agree upon a mutually acceptable, political solution to the dispute. Those talks are slated for later this month, perhaps in Berlin.

When the parties meet again, we hope they will make clear their commitment to a process by which they will achieve a peaceful settlement. However, public statements by the parties to the dispute in recent weeks have tended to narrow rather than broaden the opportunity for progress. Thus, in preparation for the forthcoming meeting, we have encouraged the parties at the highest levels to approach the next round with flexibility and a cooperative attitude.

Mr. Chairman, we are working hard to help bring about an early, durable, and peaceful resolution to the conflict, one which is mutually agreed, takes into account the political rights and well-being of all parties involved, and promotes the stability of the region. The effort of former Secretary Baker has given us a chance to do this.

There are two possibilities on the table. First, the holding of a referendum, provided the parties can agree to its technicalities, and after nearly a decade, as you have said, that possibility still seems years away. Second, finding a mutually acceptable, political solution. Mr. Baker is still in the process of exploring alternatives.

The United States opposes any solution being imposed on the parties. That, in our view, will not work. The parties themselves have to agree on the way ahead. We hope the steps will be taken toward that end at the next meeting. The U.N. effort has the support of the U.S. and others in the international community, as experienced by the unanimously endorsed renewal of the mandate of MINURSO by the UNSC. We continue to urge the parties to take advantage of this important opportunity as their best chance to resolve this dispute.

In sum, Mr. Chairman, we have encouraged the parties at high levels to approach the Baker-led talks with flexibility and a cooperative attitude. We have sought to urge improvement of relations between Algeria and Morocco, a key element to any durable progress on the Western Sahara. We have continued our efforts to deepen our ties to each of the parties through programs such as the U.S.-North Africa Economic Partnership. Finally, we have continued to support MINURSO, which has served as a safety net for regional stability.

What I have described are elements of a U.S. policy of preventative diplomacy aimed at helping to resolve the long-standing conflict and thereby bringing greater peace and stability to the Maghreb region and all of its people. I will be glad to take your questions.

[The prepared statement of Mr. Keiswetter appears in the appendix.]

Mr. ROYCE. Very good. Let me just say that we have witnessed Moroccan authorities waging a media crackdown.

The government has sacked three managers of the state-run TV channel and has banned editions of two newspapers for recording interviews with the leader of the POLISARIO front. We have seen the Moroccan delegation walk out, refusing to discuss the appeals issues. We have seen 130,000 appeals being made, mostly from the Moroccan side. After 198,000 people were interviewed for voting, Morocco is refusing to allow the referendum to go ahead until the appeals have been individually examined and, based upon the process that they are calling for, this will take at least 2 years.

So, it has been made clear to this Subcommittee that it has been Morocco that has been the greatest impediment to the registration process to begin with. We heard this from the witnesses at our last hearing, the recent press accounts, from correspondence, from close observers in the operation, including a number of U.S. military officers who served in MINURSO. Morocco is now flooding MINURSO with voter-registration appeals, as I say, in what appears to be a stalling tactic.

Do you agree, Ambassador, that Morocco bears the greatest responsibility for MINURSO's current deadlock?

Mr. KEISWETTER. Mr. Chairman, our policy is not to take sides with this dispute. In fact, our policy is to support the efforts of the U.N. Secretary General and of Mr. Baker. In both of these cases they have said that the lack of progress, the responsibility for the lack of progress, lies on both sides, not just on one side, and I think this is clear in the various reports that they have issued over the past couple of years. So we have, in fact, been generous, we have been supportive of the U.N.'s efforts, and we have urged all parties to the dispute at high levels, in fact, to be flexible, to use imagination, and to cooperate on either of the approaches that former Secretary Baker has outlined. So that is my answer to you.

Mr. ROYCE. I think we have some responsibility to the parties in the dispute who have invested a certain amount of faith in the process and a certain amount of faith that we are going to make an honest effort to not string them along but instead to see this through to a conclusion. I had a couple of other questions I wanted to ask you.

One is the Administration's report to Congress on MINURSO. It states that according to the UNHCR, the vast majority of refugees say they fear for their safety should they return to Moroccan-controlled the Western Sahara. Are those concerns legitimate?

Mr. KEISWETTER. I think they are legitimate in the sense that they feel them and that they accurately reflect the views that these people express, in fact, to U.N. agencies. Since we have not unfortunately been able to even arrange some of the preliminary steps that will lead toward this, such as family visits back and forth

across the berm, I think we have not yet had a chance, in fact, to test whether there is justification. So the answer is these are the fears accurately reported. Whether they are legitimate or not, I do not know.

Mr. ROYCE. As I mentioned in my opening statement, it was 2 years ago when the Administration said that MINURSO's time is running out. Today, you have testified that after nearly a decade the possibility of holding the referendum still seems years away, at best, in your words. Is the Administration planning to end its support of MINURSO if Special Envoy Baker fails to make progress or will it continue?

Mr. KEISWETTER. This is an excellent question. As you may know, MINURSO's mandate is renewed at very short intervals. It renewed most recently at a 3-month interval; before that, for a 2-month interval.

Mr. ROYCE. It expires in October.

Mr. KEISWETTER. Yes. So one of the reasons, in fact, for this is for accountability in the sense that you have suggested, but I would like to emphasize what MINURSO does in a broader sense.

I have described it in my testimony as a "safety net." It does a lot of things. First of all, it helps monitor and keep the cease-fire. This has been very important at various times, particularly recently, when Algeria went through a period of crisis. It also is responsible, of course, for such efforts as coordinating demining. Then, in addition to that, there are the duties that it has and responsibilities that it has for the process of identification and the appeals, and it is proper for this process to go forward.

Mr. ROYCE. True, true, but the parties did not agree to a Cyprus-like, peacekeeping agreement. They agreed to have an election, and the United States signed on to the agreement under which there was going to be an election. So now we are talking about the upside of the fact that this has evolved into a Cyprus-style peacekeeping agreement, and I am trying to ask, do we actually have a commitment to move forward and push forward to have an honest election?

Mr. KEISWETTER. The answer is Mr. Baker is doing his best to try to resolve this problem, and he has asked the parties, in fact, to consider two possibilities that I have outlined to you: either coming to grips with the problems with holding a referendum or, on the other hand, considering other mutually acceptable, critical solutions.

Mr. ROYCE. I am going to turn now to Congressman Pitts, but before I do, I would ask when this comes to an end. Is there ever any intention of having accountability of saying what actually happened and what parties were holding up the process? Will there be, after the fact, some accountability? I would just like to know that for the record.

Mr. KEISWETTER. Mr. Baker has said that when the end comes, that he would, in fact, name names and give accountability.

Mr. ROYCE. Right, and Mr. Baker is working for the United Nations at this time and doing a yeoman's job on this, and I have met with him. I appreciate all he is trying to do, but ultimately it becomes the responsibility of the Administration and of the Congress, and at some point I think we have to come to grips with the reality

of what happened and why enough pressure was not brought to bear on bringing about an agreement for an election. But with that said, I am going to turn to Mr. Pitts of Pennsylvania, and I am going to go make this vote. Thank you, Mr. Keiswetter.

Mr. KEISWETTER. Thank you very much, Mr. Chairman.

Mr. PITTS. (A Representative in Congress from Pennsylvania, and Member of the Budget and Armed Services Committees) [Presiding.] Thank you, Mr. Chairman. Thank you for holding this timely hearing on the Western Sahara and the final implementation of the settlement plan. I will submit my entire statement for the record, but I would like to make a couple of comments.

I think it is vital at this time that all parties to the settlement plan signed by the United States' Special Envoy and former Secretary of State James Baker and the implementation. Despite the International Court of Justice ruling in 1975 that Morocco had no claim to the territory, Morocco continued to assert the Western Sahara as part of its country.

Tribal links do not establish sovereignty over a nation. That idea was used by Saddam Hussein to justify his invasion and attempted takeover of Kuwait. I visited some of the refugee camps in the Sahara Desert to talk to some of the people and the officials, and I am a little concerned about what I hear now regarding abandoning and disregarding the right of the people to vote for self-determination.

I would like to ask you if it is accurate that the U.S. Government, since 1975, on several occasions has made statements in support of the right of the people of the Western Sahara to self-determination, if this is accurate, please elaborate on how it is possible for the current Administration, according to a number of reports, to search for a resolution of the conflict which will completely deny the right to self-determination, Mr. Keiswetter.

[Statement of Mr. Pitts appears in the appendix.]

Mr. KEISWETTER. Mr. Congressman, let me begin by saying that the first part of your question, that the U.S., of course, had endorsed repeatedly the U.N. settlement plan, which includes identification of the voters, the appeals process, and then the actual referendum. That offer is still strongly supported by us and is still on the table. But as the chairman noted a few minutes ago, the first election referendum was to be held in January 1992. It is now more than 8 years later, and it is still pending.

This is, in fact, one of the very strong reasons that has motivated former Secretary Baker to ask the question of is there some other way, and he has suggested that this, in fact, could be some option that would be not full integration into Morocco and not full independence. He also said that it could be the alternative of, in fact, somehow reaching a political arrangement that will allow the referendum to go ahead, and he is now in the process of exploring these options.

So when the parties meet again, now later this month, both of those topics are under discussion, and we would hope that there could be progress made toward making a decision by the parties as to how they want to go ahead.

Mr. PITTS. The other parts of the negotiated settlement plan; does the State Department believe that the parties are still behold to the other terms of the agreement?

Mr. KEISWETTER. In terms of repatriation and so on and so forth, I think, as I have outlined in my testimony, there has not been a great deal of progress on any of the fronts. For example, on refugees, some 120,000 have been preregistered, but on the other hand, we still do not have agreement on confidence-building measures that will allow families to visit across the berm.

Mr. PITTS. The group, MINURSO, I think that is an acronym that stands for United Nations Mission for Referendum?

Mr. KEISWETTER. It is a French acronym.

Mr. PITTS. Does the State Department believe MINURSO should continue to exist?

Mr. KEISWETTER. We have repeatedly endorsed and voted for the continuation of MINURSO, and we have kept it under a very short leash of 1-month periods, 2 months, and recently 3 months, so that its performance can be evaluated. But that being said, it has several functions that we think are important to preserving stability.

First is sort of a safety net that it has provided in monitoring the cease-fire and preserving the cease-fire during difficult times, for example, when Algeria went through a period of crisis here recently. It also provides some breathing room for the new leadership in both countries to modernize. It undertakes such programs as coordination of demining. All of this is in addition to the principal jobs that I think you may be more familiar with that concern the identification of voters and the appeals proposal. Frankly, if we go forward with the referendum, it is vital to sorting out the details of the referendum and to making it work.

Mr. PITTS. I understand that the POLISARIO did agree to the confidence-building measures, that it was Morocco that has not agreed to that. Is that your understanding?

Mr. KEISWETTER. If you have in mind here in particular the family visits, they were discussed at the last meeting of the technical committee in Geneva in July, and I think it is fair to say that both sides agreed in principle to the confidence-building measure of family visits. But since then, they have been unable to agree on the language describing how this would work. So I think the answer is both agreed in principle, but there are now disagreements about the specific language that would make it work.

Mr. PITTS. Now, then, on the process of determining who are legitimate voters for the referendum, what is the status of that, and who is agreeing, and who is disagreeing, and why are they agreeing?

Mr. KEISWETTER. The United Nations, MINURSO, has examined more than 200,000, I believe the latest statistic that I saw was something 244,000 individual cases. It has found about 90,000 to be eligible voters. In addition to this now, there have been more than 130,000 that have contested those decisions. Almost all of these, not all, but almost all, are, in fact, people who were excluded from the rolls and think they should be included in the rolls.

Now, part of the problem here is the circumstances in which this occurs. The voting rolls are based on the Spanish census of 1974, and so it is dated, and there have to be certain adjustments to it

to make it fair. It does not include, for example, Sahrawis that were not residents in either area at the time. Now, I can only quote the U.N. Secretary General on this issue, in which he said that both of the parties see, in fact, the voter base as being important to the outcome and in sort of getting out the vote. So there are, I think, problems on both sides here.

Mr. PITTS. Have there not been about 130,000 appeals?

Mr. KEISWETTER. Yes. That is true. That is the figure, of 130,000. That is the number of appeals.

Mr. PITTS. How many are from Morocco? What percentage?

Mr. KEISWETTER. A large percentage of them are, almost all, in fact, because they are people who were Sahrawis but maybe residents in Morocco and other extenuating circumstances. One of the biggest problems is the two-chiefs problem. To, in fact, be enrolled and be declared eligible, there have to be two tribal chiefs who will vouch for the voter. In many cases there is only one tribal chief. So these are the problems that MINURSO faces.

Mr. PITTS. So of the 130,000, what, better than 98 percent are from Morocco, and maybe 1 percent or less are from the POLISARIO fields?

Mr. KEISWETTER. I do not think it is fair to say that they are exactly from Morocco. I do have some statistics here. This shows 75 percent, Mr. Congressman.

Mr. PITTS. Seventy-five percent?

Mr. KEISWETTER. I will be glad to provide this to you. It is from the Secretary General's report, which gives a full breakdown by location, and whether it is because of an exclusion or inclusion. I will be glad to provide that.

[The submitted break down appears in the appendix.]

Mr. PITTS. Thank you. On a humanitarian note, when I was over there, I visited victims of land mines. There are still millions of land mines. There was a team, I believe, from Norway ready to remove land mines, and they were having a problem getting permission from the government of Morocco to go in and remove those land mines. Has the State Department taken a position or advocated anything about removal of land mines?

Mr. KEISWETTER. We would encourage the effort. I do not know anything specific about the case that you mentioned.

Mr. PITTS. But has the State Department urged the removal of land mines?

Mr. KEISWETTER. Yes. We have encouraged all of these confidence-building and humanitarian measures. We think this is one of the major justifications for MINURSO.

Mr. PITTS. The point is, there are innocent victims, children for instance, I saw a little girl who had her leg blown off from a land mine, that are being harmed just from the existence of these mines. When you have got an international organization willing to go in and remove wherever the impediment is, I think we ought to be advocating to try to remove those impediments and start removing some of the land mines.

What about the return of POW's from both sides? Are you familiar with the situation, and what has the State Department done to try to get an exchange?

Mr. KEISWETTER. I am generally familiar with the situation. As I understand it, at the moment there are only Moroccan POW's held by the POLISARIO, and now many of them have been held for more than 25 years. We would hope that progress could be made on this issue, as well as part of a confidence-building exercise between the parties.

Mr. PITTS. Now, are they being held by the Sahrawis, or are they not being permitted to return to Morocco by the Moroccan government? Do you know?

Mr. KEISWETTER. Mr. Congressman, I would like to get back to you on the details of that, because while I have impressions, I think it is important to be accurate.

Mr. PITTS. I visited with about 70 POW's who were Moroccan, some who have been there for 20 years, and was told that they were free to return, that they had not received permission to return. Now, maybe that has occurred since then, but I think if we can start exchanging, get the POW's back, also, identify missing persons, there are lists of many missing persons, exchange lists, removing land mines, do the humanitarian things, many of these kinds of efforts toward a peaceful settlement would be very helpful.

The State Department has an opportunity, I think, and a responsibility to take a position and try to facilitate these matters.

Thank you. I do not have any more questions. I do not know if the chair is coming back. He is not? So thank you very much, and we will adjourn the hearing at this time.

Mr. KEISWETTER. It is a pleasure to talk with you.

[Whereupon, at 2:47 p.m., the Subcommittee was adjourned.]

A P P E N D I X

SEPTEMBER 13, 2000

Statement of Representative Ed Royce
Chairman, Subcommittee on Africa
U.N. Referendum for Western Sahara: 9 Years and Counting
September 13, 2000

This hearing of the Subcommittee on Africa will come to order.

Today the Subcommittee will examine the troubled peacekeeping operation in Western Sahara, MINURSO. This Subcommittee has closely watched MINURSO. Two years ago, we held a hearing focused on it. Before that, Congress passed a resolution, led by this Subcommittee, expressing support for former Secretary of State Jim Baker's efforts as U.N. Special Envoy to move along the stalemated MINURSO process.

A vote to determine whether resource-rich Western Sahara is to be incorporated into Morocco or become an independent state was originally set for January of 1992. That's over eight years ago. Eight years and some \$440 million later, MINURSO, unfortunately, is far from its goal.

The U.N. itself is at the point of reaching this conclusion. In his May report, Secretary General Kofi Annan noted that prospects for holding the referendum were as distant as ever. In his latest report, the Secretary General observed that the problems between the parties have deepened. Special Envoy Baker has said recently that the referendum is in "big trouble". His July meeting with the parties in Geneva came to an abrupt end, with the Secretary General reporting that these talks had seen the parties "move things backwards." It is discouraging that the Secretary General has cited problems wholly distinct from the often-noted registration dispute, including the implementation of a code of conduct for the planned referendum campaign. Annan has reported that the process has been impeded by "fundamental differences between the parties over the interpretation of its main provisions." It is clear to me that the US and other countries have been unwilling to pressure Morocco enough to achieve the implementation of a fair referendum.

This suggests it is nearing time to shut down MINURSO. It costs some \$45 million a year to run. And the credibility of U.N. peacekeeping is at stake. If peacekeeping is going to be strengthened, and win backing here, we cannot afford to support interminable missions with unachievable mandates. The Administration testified to this Subcommittee that in the face of no MINURSO progress, UN resources should not be used for what then becomes a stopgap measure. It expressed in no uncertain terms that time was running out. That was two years ago. If MINURSO is terminated under these circumstances, the Administration has a responsibility to provide an honest accounting of which party bears responsibility for its failure. That is a point I made two years ago.

Sadly, many Sahrawis have put their faith in a process that appears to be a mirage. I wish it were different -and I should note that Jim Baker has another meeting scheduled for later this month at which he will try to pull a diplomatic rabbit out of his hat-- but short of that, I don't see why the U.S. should continue approving U.N. resolutions extending MINURSO.

JOSEPH R. PITTS
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Statement on Western Sahara
Africa Subcommittee Hearing on the United Nations
Referendum in Western Sahara
September 13, 2000

Mr. Chairman, thank you for holding this timely hearing on the Western Sahara and the final implementation of the Settlement Plan. It is absolutely vital at this time that all parties to the Settlement Plan, signed under the United Nations Special Envoy, Former Secretary of State, James A. Baker, III uphold the agreements and their full implementation.

As many people in this room know, the territory known as Western Sahara has been the focus of a 25 year conflict between the Polisario (the political arm of the Sahrawi people) and Morocco. A former colony of Spain, the Sahrawi people were promised a referendum on the future of their country. Unfortunately, Spain withdrew from its colony without holding the referendum. Both Morocco and Mauritania invaded the land. The Sahrawi's defeated the Mauritians. However, despite an International Court of Justice ruling in 1975 that Morocco had no claim to the territory, Morocco continued to assert that Western Sahara is part of its country. Tribal links do not establish sovereignty over a nation – this idea was used by Saddam Hussein to justify his invasion and attempted takeover of Kuwait! The decision of the International Court of Justice, issued on October 16, 1975, states the following, “*The Court’s conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara, and in particular, of the principle of the self-determination through the free and genuine expression of the will of the peoples of the territory.*”

Unfortunately, there have been officials from the current U.S. Administration and the French governments who appear to be proactively contemplating abandoning the negotiated, signed settlement plans under the pretext that there allegedly is no mechanism to enforce the result of the referendum. The May 30, 2000 meeting of the United Nations Security Council revealed that these two governments are willing to completely disregard the negotiated Settlement Plan and the right of the people of Western Sahara to self-determination.

Mr. Chairman, after traveling to the refugee camps in the Sahara Desert, talking with the people, reading the facts of the conflict, and continuing to monitor the situation, I am appalled by reports that officials in our government would be advocating the abandonment of the negotiated

Settlement Plan. Our nation was birthed and established on the right to self-determination. It is utterly bewildering that Americans would actually believe that another group of people does not have the right to vote for their future – it is arrogant and unjust for U.S. government officials to blatantly flout international norms, ignore solid facts, and effectively trample the rights of the Sahrawi people. The fact that our Administration is willing to disregard the right of the Sahrawi people to self-determination when the American Revolution was based upon that very right is shameful. We have supported the right of the people of East Timor to determine their future. The people of Western Sahara deserve no less. Why is this happening? I look forward to hearing the testimony from the State Department in hopes that these concerns that I and numerous Members of Congress hold will be answered and State Department positions clarified.

The continued delay of the implementation of the Settlement Plan and the referendum seems to be simply a stalling tactic. It is vital that neither the United States nor any other nation or international body pre-judge the results of the referendum – a referendum to which both Morocco and the Polisario have agreed and which the United States taxpayers and others have invested over \$530 million. The failure of the United Nations to hold this referendum regarding the Western Sahara would lead to instability and insecurity in North Africa and the blame would fall squarely on the shoulders of the United Nations, the Administration of the United States, and the French government.

For over 25 years, the Sahrawi people have had one request – to exercise their right, under the United Nations, to self-determination. Article 1 of the International Covenant on Civil and Political Rights states that “All peoples have the right to self-determination.” Again, it is tragic that there is a possibility that agreements that uphold one of the basic rights of a people, the UN Settlement Plan and the Houston Agreement, signed by both parties, are on the verge of collapse simply because the United Nations would not uphold their commitment. After spending approximately \$500 million on peacekeeping and the Settlement Plan over 10 years and \$30 million on humanitarian aid in the same time period (approximately \$4.3 million per *month* on military peacekeeping versus only \$3 million per *year* spent on humanitarian aid to the Sahrawi refugees), it is difficult to believe that the United Nations, and the United States, are willing to give up on the permanently stalled agreements. The very foundation of the United Nations would be called into question, particularly since the definition of MINURSO, the U.N. implementing body in the region, is the United Nations Mission for the Referendum in Western Sahara.

It would be a tragic undermining of our own nation’s foundations as well as international human rights norms if the United States encouraged or was part of a movement to undermine the fundamental human right of self-determination and carefully negotiated agreements regarding Western Sahara. Stability and security in North Africa are crucial to the strategic interest of the United States and the international community. Should the referendum and the carefully negotiated Settlement Plan be blatantly ignored, it is highly probable that hostilities would resume. Enough innocent lives have been lost and damaged. It is time for the United Nations to *hold* the referendum and *uphold* the results.

**Statement for the Record
Congressman George Radanovich
House Africa Subcommittee Hearing
September 13, 2000 / 2255 Rayburn HOB
U.N. Referendum for Western Sahara: 9 Years and Counting**

Thank you Chairman Royce for bringing this important hearing before the Africa Subcommittee today. I appreciate the opportunity to express my perspective on this long-standing and unfortunate problem in Western Sahara.

To me it is very clear that Morocco continues to insist that Western Sahara is Moroccan based on a de facto illegal military occupation. This also happens to be a serious and flagrant violation of a number of UN resolutions and the Houston agreement negotiated in 1997 by special envoy James Baker. Moroccan maneuvers have been aimed at hindering the referendum process at every juncture.

Furthermore, I am beginning to question the seriousness of the UN in enforcing its resolutions and recommendations regarding the peace process and the work of MINURSO (United Nations Mission for the Organization of the Referendum in Western Sahara). The UN has been in Western Sahara for ten years and spent more than \$550 million. Yet the Saharawis are still waiting for a referendum of self-determination. How long do they have to wait?

As we are all aware, the UN Secretary General again postponed the holding of the referendum for self-determination of the Saharan people, which was due to take place last July. I am afraid that the inability to, or worse yet the reversal of, the UN in enforcing its resolutions portends a renewal of armed confrontation in the region.

In my opinion, this Administration has not supported the very good work of former Secretary of State James Baker, and to its discredit has retracted from the US commitment to help the Saharawis hold their referendum. This Administration has refused to take a strong stand against the Moroccan occupation of Western Sahara and the Moroccan government's ongoing reluctance to cooperate with the UN-mandated referendum, and I think this establishes a dangerous precedent and sends a wrong signal to potential aggressors elsewhere.

I would hope that Members of this Committee would collectively send the message to this Administration and to the UN to stop its hesitation and procrastination and put pressure on Morocco to implement the Houston agreements. I think it will be a very sad day when the Saharawis are left with no other option than to return to open struggle and armed conflict to try to achieve self-determination. This will be another bloody conflict that did not have to happen if this Administration and the UN stood by their word and properly facilitated the referendum process.

Again, thank you, Chairman Royce, for the opportunity to state my point of view on this critical matter. I look forward to a productive hearing and hope we will send the right message to all of the involved parties.

TESTIMONY OF DEPUTY ASSISTANT SECRETARY OF STATE
ALLEN L. KEISWETTER
ON THE WESTERN SAHARA
BEFORE THE AFRICA SUBCOMMITTEE OF THE
HOUSE INTERNATIONAL RELATIONS COMMITTEE
September 13, 2000

Mr. Chairman, distinguished Members, I am honored to have the opportunity to appear before you regarding the Western Sahara. This issue spanning the past quarter century has constituted an element of instability and a financial burden on the countries and peoples involved. I would like to address first, US interests and our role in the Western Sahara; second, recent developments; and third, prospects and US policy.

A peaceful settlement would enhance the stability of the Maghreb region, as well as the stability of the Mediterranean Basin more generally. It offers the prospect of strengthening political, economic and commercial cooperation for the betterment of the welfare of all concerned. Unresolved, this dispute constrains the opportunities of the region and leaves several hundred thousand Sahrawis with a bleak and uncertain future. If the situation deteriorates, a return to violence would bring new suffering and hardship, threaten potential political and economic liberalizing trends in Algeria and Morocco, and pose serious risks for stability of the Maghreb with implications for Southern Europe.

With these interests at stake, we continue to strongly support the mediation efforts of the United Nations, undertaken since the late 1980s. We remain committed to an early, durable, peaceful solution to this long-running conflict. This can happen only with the full cooperation of all the parties. These principles undergird our support for the mission of the United Nations Secretary-General's Personal Envoy, former Secretary of State James Baker. We believe the UN remains best positioned to bring about a solution in this case.

It was UN Secretary General Perez de Cuellar who began implementation of the "cease-fire-and-referendum" framework solution agreed to by the parties, with the support of the Organization for African Unity (OAU). The referendum formula is the only settlement process to which

both Morocco and the POLISARIO have agreed, and to which both parties have repeatedly reaffirmed their commitment. This plan laid out the mechanisms for resolving whether the territory would become independent or a province of Morocco based on a vote of the native population. In essence, it required the identification of eligible voters, the return of refugees to the territory, and a vote under the auspices of the United Nations.

Despite this framework agreement nearly a decade ago, there has been only slow progress toward implementation. Disagreements between the parties over voter identification brought the process to a virtual halt in 1995. Later, in September 1997, the process was reinvigorated when both parties agreed in the Houston Accords, brokered by former Secretary Baker, to recommence the referendum process. Since then, there have been several developments. However, serious political differences between the parties continue to block prospects for an early vote on the future of the territory.

By December 1999, MINURSO had succeeded in completing the contentious Phase I of the referendum process, the identification of potential voters. Indeed, an impressive total of more than 200,000 prospective voters were processed in the course of this exercise and about 90,000 found eligible. However, the referendum remains pending because of disputes over the voting lists.

The parties continue to disagree over the grounds for appeals by those persons not included in the list of eligible voters. UN Secretary General Kofi Annan last December said that increased logistical demands posed by the large number of appeals and divergent views of the parties on the admissibility of such appeals "allow little possibility of holding the referendum before the year 2002 or even beyond." The number of appeals now total more than 130,000. The question is how to respect the rights of the voting applicants while avoiding a repeat of the years-long identification process.

Another obstacle in the resolution of this conflict has been the repatriation of refugees. The parties have not come to an agreement regarding the draft refugee repatriation protocol presented by the UN High Commission for Refugees. Without formal authorization from the Government of Morocco, and cooperation from the POLISARIO

and Algeria (the latter as host country to the refugees), the UNHCR cannot proceed with refugee repatriation. Still, the UNHCR has pre-registered some 120,000 refugees and their family members so far. According to the UNHCR, the vast majority of the refugees would like to return only to the POLISARIO-controlled territory east of the berm because of uncertainties about conditions in the Moroccan-controlled territory west of the berm. In short, the parties have not agreed to implement proposed cross-border confidence-building measures.

Despite these obstacles, the UN continues to facilitate talks. As the end of February, 2000, deadline for MINURSO's mandate drew near, UN Secretary General Annan urged a review of the situation. He asked his Personal Envoy James Baker to consult with the parties to explore ways to achieve an early, peaceful, and durable settlement to their dispute. He recommended to the UN Security Council that it extend MINURSO's mandate until May 31, 2000 to provide for more time to meet with the parties.

In an effort to either reconcile differences over implementation of the settlement plan or find alternative approaches to help resolve the dispute over the Western Sahara, Mr. Baker visited Algeria, Morocco, the Western Sahara, and Tindouf, Algeria where he met with the POLISARIO leadership in early April. In May, Secretary General Annan invited Morocco, and the POLISARIO, as well as observers Algeria and Mauritania, to talks in London presided over by Baker. It was the parties' first direct talks since 1997. The talks permitted a frank exchange of views but were inconclusive.

The UN Security Council voted to extend the MINURSO mandate until July 31 in an effort to provide additional time to address the remaining issues. A second round of talks was convoked on June 28. The parties were asked to bring specific solutions to resolve all outstanding settlement plan issues, or be prepared to consider and discuss other ways to achieve "an early, durable and agreed resolution" of their dispute. Because of the lack of progress, Baker called on the parties to meet again, emphasizing flexibility on both sides to finding an outcome agreeable to all over the long term, either through moving forward with the UN settlement process or perhaps through a solution that rested between full independence and full integration of Western Sahara into Morocco.

In mid-July, the two sides also met in Geneva for a round of technical talks aimed at discussing the appeals process, the fate of prisoners of war, and the exchange of visits between relatives living on each side of the berm. The parties agreed in principle to proceed on a trial basis with an exchange of family visits, but this too has been delayed because of differences on the language describing the program. No progress was made with regard to the appeals process or prisoners of war.

In late July, the UN Security Council voted unanimously to extend MINURSO's mandate through October 31, with the expectation that the parties will meet in direct talks under Baker's auspices to try to resolve the multiple problems relating to the implementation of the settlement plan and to try to agree upon a mutually acceptable political solution to their dispute. Those talks are tentatively slated for later this month.

When the parties meet again, we hope they will make clear their commitment to a process by which they will achieve a peaceful settlement. However, public statements by the major parties to the dispute in recent weeks have tended to narrow rather than broaden the opportunity for progress. Thus, in preparation for the forthcoming meetings, we have encouraged the parties at highest levels to approach the next round of talks with flexibility and a cooperative attitude.

Mr. Chairman, we are working hard to help bring about an early, durable, and peaceful resolution to the conflict, one which is mutually-agreed, takes into account the political rights and well-being of all parties involved and promotes the stability of the region. The effort of former Secretary Baker has given us a chance to do this. There are two possibilities on the table. First, the holding of a referendum, provided the parties can agree on its technicalities. After nearly a decade, however, that possibility still seems years away at best. Second, finding a mutually acceptable political solution. Mr. Baker is still in the process of exploring that alternative.

The United States opposes any solution being imposed on the parties. That, in our view, will not work. The parties themselves have to agree on the way ahead. We hope

steps will be taken toward that end at their next meeting. The UN effort has the support of the US and others in the international community, as evidenced by the unanimously endorsed renewal of the mandate of MINURSO by the UNSC. We continue to urge the parties to take advantage of this important opportunity as their best chance to resolve this issue.

In sum, we have encouraged the parties at high levels to approach the Baker-led talks with flexibility and a cooperative attitude. We have sought to urge improvement of relations between Algeria and Morocco - a key element to any durable progress on the Western Sahara. We have continued our efforts to deepen our ties to each of parties, through programs such as the U.S.-North Africa Economic Partnership. Finally, we have continued to support MINURSO, which has served as a safety net for regional stability.

What I have described to the Committee are elements of a U.S. policy of preventive diplomacy aimed at helping to resolve this long-standing conflict and thereby bring greater peace and stability to the Maghreb region and all its people. I would be happy to answer any questions that you might have.

Annex I

Appeals received by area of filing and by category*

<i>Location</i>	<i>Against exclusion</i>	<i>Against inclusion</i>	<i>Total</i>	<i>Percentage</i>
Territory	12 650	272	12 922	23.5
Morocco	40 225	1 094	41 319	75.3
Tindouf	422	77	499	0.9
Mauritania	119	30	149	0.3
Total	53 327	1 962	54 889	100.0

* Following the issuance of the second part of the provisional voter list on 17 January 2000.