

**COUNTING FOR NOTHING –
THE WORK OF THE
IDENTIFICATION COMMISSION** | **SZÁMOLÁS A SEMMIÉRT –
A MINURSO AZONOSÍTÁSI
BIZOTTSÁGÁNAK MUNKÁJA**

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Abstract

The Identification Commission (IDC) of MINUSRO was established in 1991 to register the voters for the planned independence referendum. In spite of numerous challenges, break and setbacks the IDC has managed to accomplish its task by the early 2000s. After all the documentation was provided to the UN and stored at the UN Geneva Offices. Since then, because of the lack of political settlement, the referendum has not been organised and the results of the IDC has become outdated. Therefore, any new solution would request the re-launch of the field survey of the Commission.

Keywords

Identification Commission, referendum, registration

Absztrakt

A MINUSRO Azonosítási Bizottságát 1991-ben hozták létre, hogy a tervezett népszavazásra regisztrálják a szavazásra jogosultakat. A különböző kihívások, a munkájukat negatívan befolyásoló események ellenére a szervezet a 2000-es évek elejére sikeresen teljesítette a feladatát. Miután az összes, a népszavazással kapcsolatos dokumentációt átadták a Világszervezet genfi központjába, ahol azok letárolásra kerültek. Azóta a politikai rendezés hiánya miatt a népszavazás nem került végrehajtásra, illetve a Bizottság által készített dokumentációk elavultak. Ezért egy esetleges rendezés esetén a Bizottság által korábban elvégzett regisztrációs folyamatot meg kell ismételni.

Kulcsszavak

Azonosító Bizottság, referendum, regisztráció

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INTRODUCTION

The last decades of the crisis and political turmoil in Western Sahara has mainly focused on the status of the contested area, namely that it could be established as an independent and sovereign state of the indigenous Sahrawi and the resettled Moroccan people or become an integrated part of the Kingdom of Morocco. In spite of the different efforts of local actors and the international community, the topic could not be solved until now. Of course, the failure of the attempts was not independent of the final determination of Rabat that it stops all processes, which can lead to the creation of a separate Sahrawi state.

Nevertheless, it would be a mistake to consider the last 44 years as a homogenous one, where there were no possibilities for the solution of the dispute. The ever-changing local and international dynamics provided a relatively wide range of manoeuvres and struggles for the parties, just to mention a few, think about the military successes of the Polisario against Mauritania and Morocco in the late 1970s, the quite of Nouakchott from the story in 1979 and the increasing commitment of the Organisation of African Unity towards the dispute in the 1980s. Yet, the involvement of the United Nation and its mediation attempts brought most successes in the procedure – even if many – if not most – times the UN could not be seen as a neutral actor, mainly by the Sahrawi, and the organisation made a lot of mistakes during the negotiations. But the introduction of the lasting ceasefire, the deployment of MINURSO, the framework for the political settlement of the dispute in the form of a referendum – even if it has not been conducted yet – were the maximum anybody has reached until now.

One of the main parts of the UN efforts has concentrated on the identification of the people who would have right to vote in the planned referendum about the status of the area. The body which was established to accomplish this task was the Identification Commission (IDC) of MINURSO. As it could be assumed, the basically technical procedure of voter registration got quickly broader political dimensions. Nevertheless, in spite of delays and debates, the MINURSO managed to achieve its goals and finalized the identification of potential voters for the planned referendum by 2003. Primarily it was not the mistake of the mission and the IDC that their work remained useless – and, considering the passing time – outdated again.

The Identification Commission (IDC) of MINURSO was established in 1991 to register voters for the planned independence referendum. In spite of numerous challenges, breaks and setbacks, the IDC managed to accomplish its task by the early 2000s after all the documentation had been provided to the UN and had been stored at the UN Geneva Offices. Since then, due to the lack of political settlement, the referendum has not been organised and the results of the IDC have become outdated. Therefore, any new solution would necessitate the re-launch of the Commission's field survey.

In this chapter I will examine the creation and the work of the Identification Commission. Because of the other parts of the book I will not concentrate on the broader framework of happenings in which the IDC existed and I will only refer to them if it helps understand the activity of this body.

THE ESTABLISHMENT OF THE IDENTIFICATION COMMISSION

When the United Nations sent its technical mission led by the Guinean Issa Diallo to Western Sahara in 1987, it made a report about the main findings and suggestions for the UN Security General and the Council in 1988. Besides requesting ceasefire and troop-reduction, the document called for a UN-managed and monitored referendum about the status of Western Sahara, where the population could vote if it wanted to belong to Morocco or choose independence. Besides the “winner-takes-all” suggestion, the document contained the main framework for referendum-procedure for which registration would be based on the latest Spanish census conducted in 1974. Because of the massive displacement of the Sahrawi population, the Secretary-General asked the assistance of the United Nations High Commissioner for Refugees (UNHCR) to involve Saharawi people who lived outside the area. In the 25th paragraph, the SG underlined that “to facilitate the task of taking a census of the Saharan population, the Secretary-General will set up, in consultation with the current Chairman of OAU, an identification commission responsible for carefully and scrupulously reviewing the 1974 census and updating it.” [1] At this point, the UN still highly underestimated the task of registration when it only suggested four to six people for the job. According to the report the role of the Identification Commission would be:

- “To review carefully the census taken in the Territory in 1974 by the Spanish authorities and update it;
- Calculate the real growth of the Saharan population in the period between the date of the above census and the date of the organization of the referendum, taking into account the following elements:
 - Births and deaths;
 - Movement of the Saharan population.
- On the basis of the information mentioned above, the Identification Commission will establish as precisely as possible the number of Saharans living in the Territory of Western Sahara and the number of Saharan refugees and non-residents qualified to participate in the referendum.”[1,para. 28]

The report also contained that the IDC must consult with local tribal chiefs who “will be asked to comment on and contribute to the work of the Identification Commission.” [1, para. 29] The document also emphasised that each Sahrawi with the inclusion of the Spanish and those who were aged 18 or over would have the right to vote in the referendum. [1, para. 24] The UN demonstrated the “settlement proposals” to all parties in August 1988, who – with minor amendments –accepted

the document. It meant that theoretically each actor was ready to launch a referendum about the status of the territory and respect a “winner-takes-all” approach which was a sign of high self-confidence among both the Sahrawis and Moroccans. [2, p. 45] Thanks to these developments, the UN Security Council accepted Resolution 621, which authorized the SG to appoint a Special Representative for Western Sahara and determined the organisation of a referendum about the status of the territory. [3]

The establishment of the proposed Identification Commission was necessitated by empathetic consensus on popular vote. Nevertheless, it took almost three years while the Security Council – with the support of the proposals of August 1988, which had been accepted by the parties – authorized the creation of not only MINURSO but also the IDC by UNSCR 690. [4] The Commission started its preliminary work in New York in July 1991. [5] When the Moroccan forces and the Polisario suspended their military operations on 6 September 1991 and the ceasefire was announced by the UNSG, the security environment became adequate for the IDC’s field work in Western Sahara, too.

THE INITIAL WORKS OF THE IDC

The time framework and the roadmap of the referendum were suggested by the technical mission of the UN Security-General, who visited the territory and consulted with the parties between 28 July and 13 August 1990. The main proposals of the mission became the integral part of UNSCR 690 and determined the necessary steps until the referendum. [2, p. 45] The document fixed the D-Day and the implementation of the ceasefire. According to the plans, the Identification Commission had to finish updating the data of the Spanish census in 1974, while Morocco’s task was to collect voter applications in the occupied Western Sahara. Polisario should have done the same in the refugee camps. [6, p. 186]

The most important task of the Identification Commission was to update the list of Western Saharan people who had the right to vote. The schedule for the registration procedure was to follow. Twelve weeks before the D-Day, MINURSO should inform the people of the territory about the planned referendum and the mission ought to start its deployment. Nine weeks before the ceasefire agreement, the first mobile group of the IDC would arrive in Western Sahara to start the initial work of the Commission. One week later, the IDC would close the application procedure for the people of the territory and start the comparison of the applications with the results of the Spanish census in 1974. According to the plan, the IDC should have managed to finalize and publish the consolidated list of voters by the official day of the end of hostilities. With the arrival of the D-Day, MINURSO would take the complete leadership of the technical preparation for the referendum, backed by a police contingent. It was not fixed, however, and it remained a contradiction in the proposal how the IDC could work on the field before the implementation of the D-

Day ceasefire and the deployment of MINURSO. Although, the Secretary-General suggested that both tribal chiefs and the observers of the Organization of African Unity would assist the collection of applications, it seemed highly unrealistic that the documents would reach the proposed meeting places of the Commission, New York and Geneva, within the given four-week period. [7, p. 7]

After the D-Day, transitional period would come which would end with the declaration of the results of the planned referendum. According to the initial plan, it would not take more than 20 weeks, although MINURSO would stay for an additional 6 weeks. The degree of optimism experienced by the staff of the UN about their schedule was well-demonstrated by the following statement of the document: “it should be noted, however, that the period of time allowed for the various processes in the timetable are estimates and it is possible that some of the processes may be completed in a shorter period than that indicated.” [7, p. 4]

The UN planned that the IDC should have been fully deployed to Western Sahara by the D-Day. The UN SG proposed the establishment of both mobile and static teams for the identification, consisting of a leader, three registration/identification officers, a typist, two civilian police monitors and support staffs as drivers and translators. [7, p. 7] Besides the tight time-framework and the pre-deployment before the official ceasefire, the other contradiction of the proposal was that it did not make it clear that if the IDC had managed to consolidate the list of voters for the referendum by the D-Day why it was necessary to deploy an extended civilian, military and police mission to do the work again and why the UNSG expected a comprehensive job from the Commission before its arrival in the territory. The most likely explanation is that the United Nations thought that the parties really wanted a quick negotiation and the settlement of the dispute. As it was revealed later, this assumption was an absolute mistake.

Furthermore, the next part of the document revealed that even the UNSG was sceptical about the results of preliminary registration. Therefore, the second phase of IDC’s work consisted of two important stages: first, it had to identify and issue a registration card to the people whose names were published in the list of eligible voters; and, second, it had to organize and provide assistance for appeals against non-inclusion in the registration. So technically, the identification of potential voters also continued in Western Sahara. The IDC got 11 weeks for this procedure and according to the UNSG; it should have demonstrated the consolidated list to the Secretary General. After consultation with the chair of the OAU, the SG had the right to publish the final voter list. [7, p. 7.] Nevertheless, it was not clear why this final publication and consultation were necessary if the IDC had already distributed the registration cards.

The update of the Spanish census’s results started in the mid-1991. Madrid was helpful and provided all necessary documentation for the work. Thanks to this cooperation, the Identification Commission managed to finish the initial revision of

the lists by December 1991. Nevertheless, the results could not be published because of the resistance of Morocco. The reason for Rabat's critics was the following. The census in 1974 contained 95,058 names, and 73,497 inhabitants were considered as Sahrawi people from the perspectives of different local tribes, while the remaining ones were of Spanish origin and other foreign people. [2, pp. 93-94] Nevertheless, Morocco stated that the Spanish census did not take Western Saharan people into consideration who had fled to Southern Morocco in 1957-58. Rabat argued that their number could reach tens of thousands, which could significantly change the results of the planned referendum. Therefore, according to Morocco, they would also have to be inserted in the final list of voters.

Contrary to the statements of Rabat, the IDC – having analysed the data of the previous Spanish censuses – pointed out that, although there had been a visible decline in the population of the territory between 1955 and 1962, it only concerned some thousands of people. Furthermore, the number of the Western Saharan population doubled between 1962 and 1963, which proved that most of the Sahrawi people from Southern Morocco returned to the territory. [6, pp. 191-192]

Rabat did not accept this argumentation, and delivered a list with 120,000 names that were considered as the descendants of the Sahrawi tribes by the Moroccans. The offer was unacceptable for Polisario, so the negotiation came to a stalemate. The year of 1992 passed without any significant result, and because the IDC could not continue its task to clarify the results of the census and update it, in January 1992 it returned to New York. [5]

THE RESUMPTION OF WORK

In 1993 Bill Clinton was inaugurated as the new president of the United States, which gave a fresh impetus to the negotiations. It was essential for the work of the Identification Commission, which could resume its activity in Western Sahara in May 1993. The head of the IDC, Erik Jensen, though he had only 10 people on the ground, [8] made tremendous efforts to accomplish his task. He visited numerous tribal chiefs to finalize the lists and also met with the representatives of Morocco and the Polisario to discuss the technical details of the registration. [9]

The identification procedure of voters had started on 3 November 1993, but it was stopped just a week later, because the new government in Rabat did not contribute to the publication of the corrected lists. After the negotiations, Morocco finally gave its approval and the updated list could be published on 22 November 1993. The parties also agreed that the registration forms for the referendum were going to be distributed from 29 November. [10] The registration centres were opened in Laayoune and Tindouf, and later in Smara, Boujdour, and Dakhla. [11]

Although, the registration procedure of the population was much slower than expected due to limited human resources the IDC was not capable to examine the

accepted registration forms. By July 1994 55,000 documents arrived from the territory under Moroccan control, 18,000 from the refugee camps and 3,000 from Mauritania. In August 1994, the Commission started the identification of voters, but it could only achieve a maximum of 1000 interviews and identifications per week with its capacity, which was far behind schedule. Therefore, in December 1994 Jensen asked six additional settled centres and five mobile ones to accomplish his tasks on time. The extension would mean extra 51 staffs. [12] As it was revealed, the administrative process proved to be even slower, as it was assumed, and by March 1995 only little more than 20,000 applications were controlled. By that time, more than 123,000 requests had arrived. To speed up the process, the UNSC agreed to the increase of the IDC's staff according to the request of Jensen. The authorized number of registration experts increased from 81 to 132, the administrative staff from 78 to 145, the logistic one from 37 to 43, and the IDC could admit additional 35 local staffs, too. [13] Nevertheless, the IDC had never reached this size. In spite of the increase, the registration procedure went slowly both because of the capacities and the lack of commitment of the parties. For instance, although the IDC got almost 120,000 registration forms from the inhabitants of the territory, many of them never appeared in the centres. By that time, the IDC managed to finalize over 53,000 registrations, which represented about 40% of the applications from the territory and 51% from the refugee camps. [14] However, the arrival of more than 110,000 additional registration requests made it impossible for the IDC to finalize its works by the beginning of 1996.

The delay also meant that the UN had to cancel the proposed time of the referendum again and again, which jeopardized the credibility of the organisations. Furthermore, the parties also contributed to the slow speed of the identification process. Because of the debates of the status of different tribes, the IDC had to cease its activity almost completely at the end of 1995. Although, it seemed that the IDC could continue its work in 1996, due to the debates between the parties, the process collapsed and in May 1996, the Secretary-General suspended the identification procedure. Without any meaningful task, most MINURSO civilian staffs were withdrawn, including the police component, which provided security and assistance to the Identification Commission. [5] While most of the staff of IDC left Western Sahara, 22 people were asked to stay until July to archive and organize the files of the Commission and close the centres. At the end of July, the files were transferred to the Geneva UN-centre. [15]

COUNTING FOR NOTHING – THE WORK OF IDC BETWEEN 1997 AND 2003

In September 1997, the UNSG's Personal Envoy for Western Sahara, James Baker, conducted a successful round of negotiations between the Polisario and Morocco which led to the adoption of the Houston Accords and restarted the identifi-

cation process. Robin Kinloch was appointed as the new head of the IDC. The identification documentation was transported back to Laayoune and the Commission tried to do its best to finalize the procedure. In spite of the Huston Accords, the parties – mainly Morocco – traded accusations against both the UN and the Polisario and hampered the process to delay the finalization of the voter lists. By September 1998, 179,497 people applied for registration cards, but only 84,251 of them fulfilled the requirements, namely:

1. If the applicant was on the list of the Spanish census;
2. If the applicant, although they lived in Western Sahara in the time of the census, because of their nomadic lifestyle was not registered. In this case, the tribal leaders could certify his rights;
3. If the father of the applicant lived in the territory;
4. If the applicant lived for at least six years without interruption or altogether for a minimum of twelve years with interruptions in the territory after 1 December 1974. [16]

The last point was implemented because of the Moroccan request. By mid-1999, the IDC had finally completed the first phase of the identification process and the 1st Provisional List of Voters was published in 15 July 1999. [17]

In the second phase, the IDC concentrated on the registration of the contested tribal groups. During this procedure, the Commission got 51,220 applications of which only 2,135 fulfilled the requirements. The 2nd Provisional List was published on 15 January 2000. Altogether from the 244,643 applicants 243,625 got invitations for the identification interview, 198,469 people participated in the registration, and 86,425 fulfilled the requirements. [2, p. 214] Considering the limited assets and human resources of the IDC, the UN staff did a Herculean effort.

Nevertheless, by 2000 the conditions had radically changed in Western Sahara. The cooperation between the parties collapsed and the case of the referendum was put on the shelf. Among these circumstances, the IDC could neither continue its work nor did its existence seem adequate. The Commission archived the documents again and wrote analyses and reports to the UN. In January 2002, the number of the staff was dramatically reduced, [18] and the documentation was transferred to Geneva again. By 31 December 2003, the contracts of the last Commission staff expired and the IDC ceased its activity. [19]

CONCLUSIONS

The Identification Commission of MINRUSO would have played a crucial role in the planned “winner-takes-all” referendum about the status of Western Sahara. Nevertheless, it soon revealed that the plans were too ambitious. It could hardly be imagined that Rabat would give a green light for any referendum of which con-

sequence could be the independence of the territory. Therefore, Morocco tried different methods to jeopardize the procedure - successfully. It must also be underlined that the UN underestimated the political and technical challenges of the registration procedure as well, and sometimes the Polisario also hampered the developments.

From historical perspectives the identification procedure was completely useless. After almost two decades of the closure of the process, the data became outdated again. Furthermore, contrary to the census in 1974, this information cannot form a solid base for a potential new referendum: most of the current Sahrawi population was likely born after the census and out of the original territory of Western Sahara. Therefore, the original frameworks and the conditions of participation of the MINURSO-planned census are mainly useless today. The newly settled Moroccan people of the territory have also been there for decades that raise numerous questions and considerations. It seems that the idea of the original referendum was only valid in a given historical period which has already changed since then: if any time in the history a new referendum would be planned, that must have other basics than the results of the IDC's work.

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