

The United States and the question of Western Sahara: A low priority in US Foreign Policy

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Introduction

Although falling in the category of intractable conflicts (Kriesberg, 1993) or a 'frozen conflict', Western Sahara remains a potentially explosive regional dispute that continues to elicit little attention largely because its uncompleted decolonization is marginal to the priorities of the three main outside actors, Spain, France and the United States, which have hindered its resolution for separate reasons. Although this article is about US policy (or policies) toward Western Sahara, it is important to point out that France holds the solution should it not threaten to veto, as it did in 2003, every decision at the UN Security Council that is not favorable to Morocco; to put it bluntly, France has too many interests in Morocco and seeks also to prevent Algeria, the Sahrawis' main supporter in the region, from weakening the pro-Western monarchy (Zoubir, 2018; Vermeren, 2015). Since the inception of the conflict in 1975, Morocco has relied on France to protect the monarchy's interests and its illegal occupation of Western Sahara. But the United States has also played an instrumental role in Morocco's occupation of Western Sahara. France and the United States have deliberately hindered the decolonization of this non-autonomous territory owing to their special ties with the Kingdom of Morocco. Given that the conflict took place during the Cold War, the Western camp disregarded the conflict as a decolonization issue or as a rightful nationalist struggle for the Sahrawis' legitimate right to self-determination as inscribed in International Law and UN Resolutions on Western Sahara to this day. Although the former Soviet Union did not support the Polisario Front (Zoubir, 1987), the Western Bloc incorporated Western Sahara into the anti-Western camp. Morocco, in many ways, received Western Sahara as a prize for services rendered to the United States, which, as declassified official US documents have shown gave it the green light to invade the territory (Mundy, 2006). Morocco served Western interests as a proxy in fighting communist/socialist and nationalist forces in various African countries. Following the collapse of the Soviet Union, Western powers justified support for Morocco under the pretext that Morocco was an important actor in the fight against terrorism and illegal migration to Europe. Spain, the *de jure* administrative power responsible for the territory and its decolonization has forfeited that obligation for reasons of realism (economic and political interests with Morocco).

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The Question of Western Sahara

Before dealing with US policy in Western Sahara, it is important to provide a few important facts which will explain why, despite Western continuing support for Morocco's illegal occupation of the territory, and despite the frozen nature of the conflict, the question still affects regional relations (Algeria-Morocco), international relations (US-Maghreb, France-Maghreb, Spain-Maghreb, United Nations, UN Fourth Commission on Decolonization) and African affairs (African Union, African countries relations with Morocco and with Algeria). In this sense, though frozen, this conflict has not faded away as some protagonists would like it to. The Sahrawi people continue living in exile or under Morocco's occupation in their own land. Tens of thousands live in refugee camps in southwestern Algeria, which has hosted them since Morocco's invasion in 1975, under difficult conditions (scorching temperatures, floods, limited food...). Despite UN promises to hold a referendum on self-determination for the Sahrawi people, it has failed so far to deliver that promise. The UN has been unable to implement its own settlement plan agreed to by Moroccans and Sahrawis in 1990; the MINURSO (the mission that the UN set to supervise the referendum) has been ineffective and is virtually under Moroccan control. The efforts of UN Secretary-Generals' successive Personal Envoys¹ have been ineffective in brokering a peace deal to unblock the stalemate, which has persisted since the ceasefire in 1991. The stalemate in Western Sahara is not due to disagreement on the number of eligible voters or other technical issues regarding the organization of the referendum; clearly, geopolitical interests account for the irresolution of the conflict (Zunes & Mundy, 2010). In other words, despite the illegality of the occupation and the legitimacy of Sahrawi rights, geopolitical considerations—power politics—have trumped international legality. Because of the geopolitical games, the illegality of the occupation, the violation of Sahrawi rights, and the incapacity of the UN to hold the referendum, have all been put on the backburner.

The International Court of Justice in its November 1975 Advisory Opinion rejected Morocco's claims over the inalienable nature of its 'historical sovereignty' over Western Sahara (International Court of Justice, 1979), a ruling confirmed by the European Court of Justice on 21 December 2016 (Wathelet, 2016). Subsequently, the UN, no matter the occasional subtle alterations, has consistently endorsed the right of the people of Western Sahara to self-determination, the exercise of which is considered the sole basis for this matter of decolonization to be resolved. In principle, a free and fair referendum that includes the option of full independence is the only instrument through which that right can be exercised; therefore, Western Sahara has remained on the UN's list of Non-Self-Governing Territories (United Nations, 2018). Decolonization of the former Spanish colony was an indisputable objective.

Probably the major impediment to the decolonization of Western Sahara in the 1970s, notwithstanding international legality and UN resolutions, or the regional nature of the conflict, was its emergence at the peak of the Cold War, a time when Algeria was perceived as a Soviet friend, while Morocco was decidedly anchored in the Western camp. The war lasted from 1976 until the 1988 UN-brokered settlement plan and the 1991 ceasefire that Morocco and Polisario agreed to. Throughout that period (1975-1991), Morocco consolidated its colonization of the territory and built sand walls around the areas under its control. The optimism the UN peace plan and the ceasefire generated was short-lived because the referendum scheduled for January 1992 never took place, Morocco having contested the electoral lists of voters and sought to impose new ones to

¹ The current Personal Envoy is former President Horst Köhler, appointed in August 2017.

delay the identification process. The Algerian crisis, which lasted from 1991 to 2000, made it possible for Morocco to get further support from its Western allies, fearful that the wave of Islamist extremism in Algeria would spill over into the kingdom. This explains why both the US and France, with the complicity of successive UN Secretary-Generals (Zoubir & Pazzanita, 1995), supported Morocco's determination not to allow the holding of a free referendum which they knew Sahrawis would win. From 1992 to 1997, the situation remained stalemated despite UN Secretary-General (UNSG) Kofi Annan's appointment in March 1997 of former US Secretary of State James A. Baker as Special Envoy for Western Sahara. Henceforth, Morocco and Polisario held several rounds of negotiations; the last and most important was held in Houston in September 1997 and resulted in an agreement on several significant issues. However, the long-awaited referendum set for December 1998 was chimera, for, despite the completion of the identification process, Morocco used further tactics and demanded that MINURSO include additional voters, a demand that forced the UN to postpone the referendum time and again.

By 2000, it had become increasingly clear that UN Secretary-General Kofi Annan, under the pretext that the referendum could not take place before 2002, and with the support of France and the United States, began looking for an alternative to the Settlement Plan, the so called 'third way,' through 'the Draft Framework Agreement,' which left no doubt that it was merely an attempt to circumvent the referendum on self-determination. Soon, the idea of doing away with the option of independence gained favor with the United States and France.² Indeed, the second proposal was submitted by Baker in 2003, which, though still favorable to Morocco, was accepted by Algeria and Polisario. Morocco rejected the plan not only because it included independence as an option, but also due to fears that regardless of the numerical superiority of Moroccan settlers, Morocco might lose as the settlers might choose independence and live in a republic than under a monarchical system. Moroccan authorities also feared that even some regions in Morocco would also call for independence, although, unlike Western Sahara, they are an integral part of the Kingdom (Zoubir & Darbouche, 2008). Morocco's refusal to endorse the proposal resulted in Baker's resignation and yet another period of deadlock and more despair for the more than 160,000 Sahrawis who live in excruciating conditions in the refugee camps near Tindouf, in southwest Algeria. The impasse also resulted in cyclical uprisings in occupied Western Sahara, where Moroccan authorities used harsh measures to repress peaceful demonstrations (Wilson, 2016).

Under nudging from the United States and support from France, and more subtly from Spain, Morocco submitted to UNSG Ban Ki-Moon on 11 April 2007 an autonomy plan which was neither 'fresh' nor 'historic' as its architects claimed. The plan, whose publicity has rather dwindled in the last few years, remains a mere resuscitation of failed past attempts³ to impose autonomy to legalize the occupation (Miguel, 2008). While, under UN auspices, a number of rounds of negotiations between Polisario leaders and Moroccan officials have taken place, they failed to produce any breakthrough: Moroccans have refused to negotiate anything other than their autonomy plan, or rather the plan of legal annexation of the territory, while Sahrawis seek to abide by international legality and negotiate the terms of a referendum on self-determination, which includes the option of independence.

2 A senior State Department official told the author in May 2000 in Washington, DC that, 'We knew that Hassan II was not serious about giving Sahrawis any kind of autonomy. However, we believe that this new king [Mohamed VI] is more pragmatic and is likely to make that option possible. The official, though, insisted that 'we don't wish to impose a solution; we just want to explore an alternative that may break the deadlock' (Zoubir Interview, 2000).

3 According to officials interviewed in the 1980s, in 1984 King Hassan II contemplated the German federal model. He also suggested a large autonomy; he declared: 'leave me the stamp and the flag and everything else is negotiable'. When Algerians worked on a proposal, he rejected it. See also Balta, 1990.

When in one of the rounds Polisario officials asked the king's representatives to discuss the content of the proposed autonomy, Moroccans replied that there was nothing to be discussed,⁴ thus confirming that the autonomy plan is merely a stratagem to get the Sahrawis to recognize Morocco's sovereignty over the occupied territory.

While the US, at least until quite recently, and France no doubt prefer the autonomy option and have declared so publicly, they have not been able to impose it because of geopolitical constraints, Algeria being an important regional player, but also because they are reluctant to blatantly dispose of some foundations of international law and international relations—the response to Russia's incursion into Georgia in August 2008 is a case in point. Furthermore, regardless of strong US and French support, no country, including these two powers, recognizes the Kingdom's sovereignty over Western Sahara. The self-proclaimed Sahrawi Arab Democratic Republic (SADR) enjoys great support among powerful African states, such as South Africa and Nigeria. It became a member of the Organization of African Unity (OAU) in 1984 and was a founding member in 2002 of the African Union (AU), which succeeded the OAU. Morocco, which had withdrawn from the OAU in 1984, following the SADR's membership admission, joined the AU in 2017.

Evolution of US Policy toward the Conflict

In view of the way the United States came into existence, in principle, Washington supports the right to self-determination as guaranteed in the UN Charter, and all subsequent UN Resolutions regarding the right to self-determination of the Sahrawi people. But, like France or Spain, political, military and economic interests have determined US position: steadfast support to the Moroccan monarchy, a reliable ally in the Arab world. Like France, the United States has since the inception of the conflict not only sided with Morocco, but, as seen earlier, it was also instrumental in Morocco's colonization of the territory. Although the Sahrawis never sought or received support from the Soviet Union during the Cold War, the United States was concerned that the Soviets would influence the nationalist movement, especially at a time when the USSR was expanding its influence in sub-Saharan Africa (Zoubir, 2009a). Although the conflict was regional in nature and was not related to the East-West confrontation, Washington feared the emergence of a pro-Soviet state. Henry Kissinger had stated clearly that the United States refuses to have another Angola on the Atlantic side of Africa. Subsequently, the United States played a major role in reversing the war over Western Sahara in Morocco's favor through large-scale economic and military aid, military advisors and logistical assistance. During the Cold War, American preoccupation with the survival of the pro-Western monarchy — as guarantor of the United States and Western presence in the area — overrode other regional concerns (Zoubir, 2009b). This, in fact, was acknowledged in August 2004 by James Baker, who stated that US support for Morocco was justified because “in the days of the Cold War [...] the Polisario Front was aligned with Cuba and Libya and some other enemies of the United States, and Morocco was very close to the United States” (Husain, 2004). Besides, Morocco played the role of proxy in Africa on behalf of the West in fighting nationalist forces that received backing from the Soviet Union. Support for Morocco in the US Congress was, and remains, significant, not least because the Kingdom of Morocco is one of the few Arab countries that are friendly to Israel. The Global War on Terror (GWOT) since the attacks of September 11, 2001, has also strengthened Morocco's standing in US policy despite the remarkable improvement in US-Algerian ties. Indeed, since 2001,

4 Interview with Polisario officials who participated in the Manhasset Round.

Algeria has become a key participant in the GWOT in the Maghreb-Sahel region and has developed excellent military, security, political and economic ties with the United States, which now perceives Algeria as a strategic partner in the region (Zoubir, 2009a). In July 2008, for instance, President George W. Bush declared that 'Algeria is a true ally in the war on terrorism and has great potential. The United States of America considers Algeria a key partner today and in the future.' These relationships are expected to increase, given the important role that Algeria presently plays in the Sahel (Zoubir, 2018), and that of its army in fighting the trafficking of arms and the infiltration of fundamentalist groups across its borders. Economic relations were also promising. A key to the interpretation of the renewed economic potential of the North African country could be represented by the visit of John Kerry in Algiers on 2-3 April 2014.

While good relations with Algeria resulted in Washington pursuing a relatively more balanced policy toward the conflict, its attachment to Morocco remained unwavering. In the area of economics, Morocco and the United States established a Free Trade Area in 2004 (entered effect in January 2006), and that year Morocco became a major non-NATO ally of the United States. Unsurprisingly, the consequence of such relations is that the United States seeks a political solution that is 'acceptable' to all parties, although this notion of acceptability to all parties is at the heart of the impasse since the protagonists can reject any decision that they deem objectionable. Under the Bush Administration, Morocco urged the United States to impose a solution—one favorable to Morocco—but, in view of its relations with Algeria and other interests, Washington declined such request. However, it also made clear that it would not invoke Chapter VII of the UN Charter to impose a solution to Morocco, as it almost did in 2003 with the Baker Plan II, when dealing with Western Sahara. Because of the close friendship with Morocco, coupled with the need to keep Morocco in the antiterrorist coalition, the United States alleviated Morocco's fears by constantly using language that did not compel the Palace to comply with UN resolutions. For instance, in a letter to King Mohamed VI, George W. Bush had declared that the United States 'understand[s] the sensibility of the Moroccan people on the question of Western Sahara and would not try to impose a solution to this conflict.' This also meant that the United States would not undertake any action that would alienate Algerians either which probably explains why the United States has not included Western Sahara in the free-trade agreement with Morocco. Following Baker's resignation in June 2004, though, the United States seemed to move closer to France's position that Morocco and Algeria should work for rapprochement as a way to create an atmosphere conducive to settlement of the conflict—a view Algerian officials resent because they insist that the conflict is a question of international legality and that the conflict opposes Sahrawis and Moroccans only, Algeria being a mere observer. At the same time, aware that other parties do not always trust Morocco's sincerity in changing its position on this issue, the United States continued pushing for a political solution, repeatedly asking that Morocco make a serious proposal to help solve the conflict. Gordon Gray, deputy assistant secretary of state for Near Eastern affairs, declared that, with respect to Western Sahara, the United States continues to seek an acceptable political solution, within the United Nations framework, and has no desire whatsoever to impose a solution [...] The Moroccan government has recently expressed its willingness to write up an autonomy plan for Western Sahara; the United States encouraged Morocco to present a credible proposal so that all parties can analyze it (González de Castejón, 2006). When finally Morocco proposed the autonomy plan in April 2007, the US State Department gave it full support, describing it as 'a serious and credible proposal to provide real autonomy for the Western Sahara'. The United States also encouraged direct negotiations between the two protagonists without preconditions. It is no secret that the

United States was involved in the drafting of the autonomy plan. Indeed, Assistant Secretary of State David C. Welch himself asserted during a hearing in Congress that he had ‘worked with them [Moroccans] on it [autonomy plan]’ (Welch, 2007). While he asserted that the Moroccan proposal ‘represents some serious efforts,’ he downplayed the Sahrawi proposal, stating that it ‘does not seem, in our judgment, to contain new ideas by comparison’. The paradox is that, while Welch rejected the Sahrawi plan because it reiterates the right to self-determination and remains attached to the Settlement Plan, he also says that ‘any settlement of the Western Sahara must also take into account the concerns of the Sahrawi people and be consistent with their right of self-determination’. This is precisely the same contradiction in which the United Nations has found itself. The subterfuge in Welch’s statement, however, is in the fact that this right would be the prerogative not of the United Nations but of Morocco, which ‘has said its proposal would be subject to a vote by the Sahrawi people’. This is implicit recognition of Morocco’s sovereignty over the disputed territory. The deputy permanent representative of the United States, Jackie Wolcott Sanders, confirmed the United States *parti pris* for Morocco’s ‘initiative’ when she declared, following the first round of direct talks, ‘We believe a promising and realistic way forward on the Western Sahara is meaningful autonomy. Morocco’s initiative could provide a realistic framework to begin negotiations on a plan that would provide for real autonomy contingent on the approval of the local population’ (US Department of State, 2007). Of course, such statements are silent as to what would have happened, assuming such consultation had taken place, in the eventuality Sahrawis voted against the autonomy plan. Following the second round of negotiations between Moroccans and Sahrawi nationalists, the State Department reiterated, ‘We believe that meaningful autonomy is a promising and realistic way forward and that the Moroccan initiative could provide a realistic framework for negotiations’. This, in fact, is also the argument that Moroccans sought to impose upon Sahrawis. Indeed, during the talks, Moroccans declared that Sahrawis should accept the kingdom’s ‘autonomy initiative’ because it enjoys the support of the United States and France. This, again, is clearly in contradiction with UN Resolution 1754, which urges the parties to engage in talks without preconditions. The US dilemma is one it has faced since the inception of the conflict: how to reconcile international law with geopolitical interests. While during the Cold War the United States fully backed Morocco because it served as a bulwark against Communism, in the post-9/11 era, it serves as an ally in the Global War on Terror. US officials that the author has interviewed on several occasions assert that “right is on the side of the Sahrawis but realism dictates that we support Morocco.”

For reasons that have yet to be elucidated, the United States stated openly for several years after 2007 that the autonomy proposal is the only viable option, indicating that this is the only solution to the conflict, regardless as to whether this is in violation of international legality. The statement of the Department of State (2008) was unequivocal: ‘An independent Sahrawi state is not a realistic option. In our view, some form of autonomy under Moroccan sovereignty is the only realistic way forward to resolve this longstanding conflict’. True, this judgment was based on the opinion of the UN Secretary General’s Special Envoy Peter Van Walsum following the failure of the fourth round of negotiations in Manhasset, New York (Walsum, 2008). Nevertheless, it was a clear departure from traditional US position, thus leaving no doubt as to its partiality. While US officials declared that ‘neither side was willing to discuss the other’s proposals, leading to an impasse that does not serve the people of the Western Sahara in any way,’ they blatantly favored Morocco’s proposal. Undoubtedly, the weight of Deputy National Security Adviser for Global Democracy Strategy, neo-conservative Elliot Abrams, well-known for his pro-Moroccan views, influenced US policy on this issue. As Clayton E. Swisher (2008), director of programs at the Middle East Institute

in Washington, D.C., observed correctly, Elliot Abrams 'is on the verge of achieving a major US policy shift that would have Washington backing Morocco's unilateral imposition of its so-called Western Sahara Initiative, or autonomy plan upon the indigenous Sahrawi people of Western Sahara' (Swisher, 2007). Indeed, the United States was setting an extremely dangerous precedent: recognizing, albeit implicitly, Morocco's sovereignty amounts to condoning the illegal acquisition of territory by military force. The support that Morocco obtained in the US Congress for the autonomy proposal is indicative of US willingness to breach international norms and legality. Being an important ally in the GWOT has provided the rationale for the United States to legitimize Morocco's illegal occupation of Western Sahara.

US Policy toward Western Sahara under Obama

In contrast to France, the Western Sahara issue is not on the US agenda. In fact, under Barack Obama's presidency, little had changed from George W. Bush's policy. In fact, Secretary of State Hillary Clinton did not hide her support for Morocco. In November 2013, White House spokesman Jay Carney announced that President Obama believes "Morocco's autonomy plan is serious, realistic, and credible. It represents a potential approach that can satisfy the aspirations of the people in the Western Sahara to run their own affairs in peace and dignity." (AFP, 2013). Morocco has strong support within the Pentagon, some segments of the State Department, and from prominent members of both parties in Congress.

President Obama and Moroccan King Mohammed VI met in November 2013. Two days before the summit, Human Rights Watch issued a statement calling on the U.S. president to tell the king that "U.S. support for the reform process in Morocco depends on moving beyond rhetoric and making tangible change." (Human Rights Watch, 2013). Specifically, the human rights group called for "stronger legal protections for rights and an end to impunity for police who use violence and commit other abuses." Instead, according to a White House statement, Obama applauded the Moroccan monarch for "deepening democracy" and "promoting economic progress and human development." Though there have indeed been at least some modest political openings, along with economic liberalization, within Morocco itself, the United States has failed to publicly acknowledge the seriousness of the human rights situation within the occupied Western Sahara. While the State Department's annual report on human rights acknowledges "limitations on the freedom of speech, press, assembly, and association... [and] the use of arbitrary and prolonged detention to quell dissent," the suppression of supporters of self-determination is ruthlessly suppressed, and how security forces have "engaged in torture, beatings, and other mistreatment of detainees" with impunity, a White House statement following the conclusion of the summit pledged that the United States and Morocco would "work together to continue to protect and promote human rights in the territory." (Office of the Press Secretary, 2013).

For the United States, in fact, the main concerns on the Sahrawi issue relate mainly to security aspects in the Maghreb-Sahel region (Zoubir, 2009c): the stability of Morocco, a long-standing ally, as well as a balance in relations with Algeria, which has become an important partner in the fight against terrorism, remain the main components of US policy on this issue. It is unlikely that the United States would favor a referendum in Western Sahara that would, in Washington's view, destabilize the Moroccan monarchy. However, it should be noted that the Moroccan decision, in March 2016, to expel members of the civilian component of MINURSO was very badly received by the United States administration, which supported a Security Council resolution calling for the return of

that component. But, as Washington has done in recent years, it is almost certain that it will once again seek MINURSO to have a mandate for the protection of human rights, will call for negotiations between Moroccans and Sahrawis, but will not take any initiative unless the current status quo prevails and jeopardizes the interests of the United States. However, since 2016 recurrent apprehensions emerge about the possibility of a resurgence of the war between Moroccans and Sahrawis, the fear being that such a war would serve Al Qaeda's expansion in the Islamic Maghreb (AQIM) in the region.

The U.S. assistance to Morocco, though it decreases occasionally, has remained relatively constant. Under the Obama administration, such aid extended to yet other allocations, such as the Trans-Saharan Counterterrorism Partnership (TSCTP), through which Morocco receives military and security assistance.

Western Sahara under the Trump Administration

Like its predecessors, the Trump Administration has favored a policy that supports the United Nations diplomatic role in seeking to resolve this protracted conflict. Publicly, the United States supports a political solution, preferably through direct negotiations. Some newspaper articles suggested that the United States reiterated the Obama Administration language in support of Morocco's Autonomy Plan as "serious, realistic, and credible" and a "potential approach that could satisfy the aspirations of the people in the Western Sahara to run their own affairs in peace and dignity." However, US position is more nuanced in that it refers to Morocco's autonomy plan as only one possible approach. Amy Tachco, Political Coordinator at the U.S. Mission to the United Nations in New York explained US position in a way that perhaps departed from that of previous administrations:

So this year [2018], the United States has taken a different approach with this renewal [of MINURSO]. Our goal is to send two messages. The first is that there can be no more "business as usual" with MINURSO and Western Sahara. The second is that the time is now to lend our support, our full support for Personal Envoy Kohler in his efforts to facilitate negotiations with the parties.

The United States wants to see progress at last in the political process meant to resolve this conflict. That is why we have renewed the MINURSO mandate for six months, instead of one year. Over the next six months we expect that the parties will return to the table and engage Personal Envoy Kohler. We also hope that neighboring states will recognize the special and important role they can play in supporting this negotiating process.

The United States emphasizes the need to move forward toward a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara. We continue to view Morocco's autonomy plan as serious, credible, and realistic, and it represents one potential approach to satisfy the aspirations of the people in Western Sahara to run their own affairs with peace and dignity [Emphasis added]. We call on the parties to demonstrate their commitment to a realistic, practicable, and enduring political solution based on compromise by resuming negotiations without preconditions and in good faith. Entrenched positions must not stand in the way of progress (Tachco, 2018).

This position also indicated US fatigue with MINURSO continued existence without achieving its main goal when it was created, which consists unambiguously in the holding of a free and fair referendum. National Security Advisor, John Bolton, who is quite familiar with this conflict is exasperated with the conflict, whose evolution he has followed not only when he was US Ambassador to the UN (2005-2006), but also when he served as Assistant

Secretary of State for International Organization Affairs (1989-1993). In the latter position, he had indicated his support for a free and fair referendum (Bolton, 1998). This explains his frustration with the irresolution of this conflict and the failure of the United Nations to bring this conflict to an end. In December 2018, he insisted on his “frustration,” stating that “I’d like to see this resolved if the parties can agree on the way forward. That’s the preference.” While this is the wish of the National Security Advisor of the president of the United States, it is not certain that the US Government would put this question on top of its foreign policy agenda.

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