During a meeting in Morocco on November 3, 2009, Secretary of State Hillary Clinton addressed the Western Sahara conflict directly. She affirmed US policy regarding Morocco’s proposed plan to offer a broad autonomy under Moroccan sovereignty to resolve the more than 30-year Western Sahara conflict. “This is a plan that originated in the Clinton Administration. It was reaffirmed in the Bush Administration and it remains the policy of the United States in the Obama Administration... I don’t want anyone in the region or elsewhere to have any doubt about our policy, which remains the same.”

The debate over the current US policy on the Western Sahara often overlooks that, in fact, it was launched in 1999 during the Clinton presidency. Yet this insight is essential to understanding current American policy. This paper summarizes why the Clinton Administration shifted America’s policy on the Western Sahara, explores the implications of that policy, and provides directives for the US government for generating a workable, sustainable solution.

End of the Spanish Occupation; War between Morocco and the Polisario; UN Cease-fire and Attempts to Resolve the Conflict through a Referendum

In 1991, the United Nations brokered a ceasefire in the war over the Western Sahara that had begun in 1975 between Morocco and the Polisario Front after Spain withdrew from the region. A UN peacekeeping mission for the region, MINURSO, supported by the US, was charged with organizing a referendum on the future of the territory. In the beginning, Morocco and the Polisario Front agreed to support this UN-led and US-backed process. What was unforeseen was that Morocco and the Polisario Front, backed by Algeria, would adopt radically different views as to who should vote in the referendum on the future of the territory.

The Polisario Front sought to restrict the voter list to only adult members of the various Sahrawi tribes who were residents in what was then known as Spanish Sahara, and who had been included in a 1974 Spanish census prior to the end of the Spanish occupation of the region in 1975; however, since the referendum was to be on the future of the region, Morocco argued for a more future of the region, Morocco argued for a more inclusive voter list, including all Sahrawis who had tribal origins in the former Spanish Sahara.

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1 The co-authors of this article, Ambassador Edward M. Gabriel and Robert M. Holley, were posted at the United States Embassy in Morocco at the time of the US policy shift on the Western Sahara issue. They were active participants in the policy review that led to the change in US policy. Edward Gabriel was the US Ambassador to Morocco at the time and Robert Holley was Political Counselor at the US Embassy. Currently, Ambassador Gabriel and Mr. Holley advise the Government of Morocco.

2 http://www.state.gov/secretary/rm/2009a/11/131354.htm
From 1991 until late 1998, the Sahara question generated vigorous debate at the UN Security Council over various methods to bridge the difference between Morocco and the Polisario Front on a commonly-agreed voter list. Unfortunately, after a fruitless and frustrating eight-year effort to resolve the approaches, the UN ended the voter registration process in late 1998 with roughly 145,000 appeals still pending and no agreed method to resolve those disputes.

It was at this point, and because of this impasse, that the Clinton Administration changed US policy on Western Sahara and adopted a fundamentally different approach that did not rely upon contentious voter lists.

**Stability and Security Concerns Drive Clinton Change in US Policy**

With the failure of the referendum option by late 1998, no one wanted to risk a renewal of hostilities between Morocco and the Polisario Front that might potentially destabilize the entire region. Beyond the Western Sahara, there was grave concern about the instability from the ongoing violence in neighboring Algeria. Following a failed election and the outbreak of civil war in Algeria in 1991, violent internal opposition to the government continued, resulting in hundreds of thousands of casualties. In these circumstances, the international community wanted a more effective method to address the Western Sahara problem that would also help diminish the risks of a broader regional war.

Clearly, some kind of political compromise between the parties was necessary. Morocco would need to abandon its aim of fully integrating the Western Sahara, and, similarly, the Polisario Front and its Algerian backers would have to abandon their efforts to separate the region from Morocco by force of arms or other means to achieve an independent state. The American foreign policy community recognized that either of these winner-takes-all approaches would only lead to further regional instability, conflict, and possibly war—something US policy makers were intent on avoiding.

Instead, the US decided that a basic trade-off was required—a political compromise that satisfied basic requirements for both parties and still respected the key principles of international law for resolving such conflicts. Following the shift in American policy, this political compromise formula was advanced in the fall of 1999 by former Secretary of State James Baker, then serving as the Personal Envoy of the UN Secretary General for the Western Sahara. The core element of his first proposal, known as “the Framework Agreement,” would have allowed Morocco to continue its sovereignty in the region, and would have granted significant internationally recognized autonomy to the Western Sahara. It also called for a process for seeking popular approval of any final agreement that would emerge from direct negotiations among the parties. An affirmative vote of a negotiated settlement is thus an option that meets the criteria for the international principle of self-determination, a necessary requirement for any settlement.

The Clinton administration supported this proposal, and after long and difficult discussions, Morocco agreed in 2001 to enter negotiations on the basis of this compromise formula. Unfortunately, Algeria and the Polisario Front rejected the proposal, insisting that a referendum be held under their preferred terms or else the Polisario would consider ending the UN peace keeping mission and returning to armed conflict. Shortly thereafter, Algeria proposed partition
of the territory as an option. Despite Algeria’s claim that it was not party to the dispute, this potential resolution granted it access to the Atlantic, long seen as an Algerian goal.

In 2000, amid rumors that he would resign if the Security Council did not give him a stronger mandate, Baker attempted, with UN effort and withdraw the MINURSO peacekeeping mission. The Security Council was divided over an open endorsement of the Framework Agreement even though it recognized that the other options were hardly options at all. Instead, it renewed MINURSO’s mandate and urged the parties to cooperate fully with the Personal Envoy to achieve a mutually acceptable political solution. The shift was subtle at the outset, but it was complete. Other options were no longer on the table and US policy shifted fully behind securing a compromise based on the sovereignty/autonomy formula, leaving the details to be negotiated between Morocco, the Polisario Front, and their Algerian backers.

This shift in American policy was a pragmatic move on three important counts. First, there was the recognition that after eight plus years, there would be no reconciliation on an agreed voter list. It was time to move on. More importantly, however, the policy review also recognized that winner-take-all formulations posed a serious risk to regional stability since it was unlikely that the losing side would willingly abandon its preferred option in the region. This was a policy born of pragmatism. Finally, at the time at least, there was a clear understanding that while the status quo remained, it was unwise to have a “stand-still” policy. Unfortunately, this realization seems to have faded for subsequent policy makers even while circumstances in the region worsened to make the status quo increasingly tenuous.

strong support from the Clinton administration, to move the Framework Agreement forward by suggesting that the Security Council choose among four options: (1) proceed with the failed referendum process, (2) force negotiations on the basis of the Framework Agreement, (3) enforce a partition of the territory, or (4) abandon the The story of how James Baker and American diplomacy managed to secure Morocco’s agreement to a political compromise to resolve the issue is a subject for another day, as is the story of how Baker and the US also failed to move Algeria and the Polisario Front to any idea of compromise; however, it needs to be noted that this was a decision that Morocco took neither lightly nor quickly. Morocco recognized that agreement to compromise, by being in the interests of the Sahrawi people and the broader region, was ultimately in the enlightened self-interest of the Kingdom. Morocco also put its faith in American promises that the US would remain actively engaged to help resolve the issue through such a compromise. A decade later, it is fair to ask if the US has indeed fulfilled these promises.

Secretary Baker made a second and more forceful attempt to promote a sovereignty/autonomy deal in 2003 during the first Bush Administration. His second effort, however, was radically different from the original Framework Agreement. Termed “the Peace Plan,” this proposal would have allowed no negotiation or buy-in through the normal give-and-take bargaining process that brings parties to a consensus and enhances prospects for a sustainable solution. Instead, the proposal was coupled with private threats to impose UN Charter Chapter VII sanctions on the parties unless each agreed to Baker’s “take-it-or-else” solution. Both the Bush administration and the Security Council declined to support this kind of heavy-handed
approach. With his failure to move either Washington or the Security Council, Secretary Baker resigned as the UN’s Personal Envoy soon after and was eventually replaced by Dutch diplomat Peter Van Walsum.

The Bush Administration Moves Forward

The Bush administration, as the Clinton administration before it, continued to support a compromise political solution based on the sovereignty/autonomy trade-off, and encouraged Morocco to put forward its own proposal, which it did in February 2007. A letter from 173 members of Congress, including nearly the entire leadership of the Democratic and Republican parties, was sent to President Bush on April 26, 2007, indicating broad Congressional support for the Moroccan compromise. The Bush administration publicly described that proposal as “serious and credible” and urged the parties to negotiate the details. Once again, however, the Polisario rejected calls for compromise and insisted on either its preferred version of the referendum or threatening return to war.

Finally, after submitting a restatement of its demands, the Polisario agreed to enter into direct talks with Morocco without pre-conditions. The subsequent four rounds of talks under UN sponsorship failed to bring the Polisario and their Algerian supporters to accept the need for any kind of fundamental compromise. Peter Van Walsum’s last report to the Secretary General as his Personal Envoy made clear that a compromise was essential and that the notion of either party being able to achieve their maximal demands, including specifically the Polisario demands for

independence for the territory, was unrealistic. That language elicited an outcry from the Polisario and Algeria, which refused to meet further with Van Walsum. As a result, Van Walsum’s mandate as Personal Envoy was not renewed in August 2009. He was replaced by retired American diplomat, Christopher Ross who has met with the parties in individual sessions and informal group meetings. No new formal round of negotiations has been scheduled at this time.

The Obama Administration Expresses Its Support

President Obama has made security a key element in his foreign policy mantra, and the growth of terrorist activities in the Maghreb reinforces the need to promote stability in the region by solving the Western Sahara conflict. Growing American support for a solution was clearly evident in another letter signed by a bipartisan majority of 233 members of Congress and sent to President Obama on April 3, 2009, urging him to support the Moroccan compromise in “both words and deeds.” In a March 16, 2010 letter to US Secretary of State Hillary Rodham Clinton, a bipartisan majority of 54 US Senators joined the US House in support of a negotiated settlement of the Western Sahara conflict based on broad autonomy under Moroccan sovereignty.”

Secretary Clinton’s remarks at the Forum for the Future in November 2009 had reinforced that the Obama administration continues to support the existing US policy of the last three administrations and the UN Personal Envoy’s efforts to nudge the parties to serious peace negotiations and ultimate political compromise. As she stated clearly,

“No we are supporting the United Nations process because we think that if
there can be a peaceful resolution to the difficulties that exist with your neighbors both to the east, to the south, to the west that is in everyone’s interest. Because of our long relationship, we are very aware of how challenging the circumstances are. And I don’t want anyone in the region or elsewhere to have any doubt about our policy which remains the same."

While international support for a compromise political solution grows, there has also been, for some time now, an emerging international legal and academic consensus that supports autonomy and other arrangements as consistent with the principle of self-determination in the post-colonial, post Cold War environment.

Peter Van Walsum, the previous Personal Envoy noted:

I do not accept the view that taking political reality into account is a concession or surrender, and that it is wrong ever to settle for less than pure legality. The choices to be made are not limited to the dilemma between international legality and political reality. There is also a moral dilemma that comes to light when the virtue of international legality is weighed against the consequences of its pursuit for the people of Western Sahara in real life. The main reason why I find the status quo intolerable is that it is too readily accepted, not only by uncommitted onlookers in distant lands, but also by deeply involved supporters of the Frente Polisario [Polisario Front], who do not live in the camps themselves but are convinced that those who do would rather stay there indefinitely than settle for any negotiated solution that falls short of full independence.3

To contend otherwise and fail to consider such a compromise is to condemn the region to increased instability and violence from a growing terrorist threat, and lock tens of thousands of Sahrawi refugees into a bleak status quo and denial of freedoms to which they have been subjected for nearly three decades. This is the real enemy of self determination.

**Current Circumstances**

The Obama Administration is the third to support a resolution to this conflict through a political compromise based on sovereignty/autonomy. Yet the strength of that commitment is still in question. To date, the lack of concrete actions to support and advance the compromise policy has provided false hope to the Algerian and Polisario leadership that intransigence will reverse American policy in their favor. This obstructionism sustains the humanitarian crisis among the refugees4 and also raises the risk that without sufficient attention to counterterrorism efforts, the growing security threats in the region will proliferate beyond the Maghreb.

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4 The humanitarian and legal implications of sequestering Sahrawis in the bleak desert camps around Tindouf, Algeria, have been highlighted in two recent reports. “Stonewalling on Refugee Rights: Algeria and the Sahrawi,” published by the United States Committee for Refugees and Immigrants (USCRI) in October 2009, is based on interviews in the camps and in the Western Sahara and documents the abuses endured by refugees under Algerian and Polisario control. “A Case Study on the Sahrawi Refugees in Algeria,” published in September 2009 by the Inter-University Center for Legal Studies, reviews the responsibilities of Algeria, the Polisario Front, and the UNHCR towards the refugees based on international legal requirements codified in United Nations Conventions and Protocols to which Algeria is a signatory.
The 2009 reports “Why the Maghreb Matters,” published by the Potomac Institute and the John Hopkins School for Advanced International Studies, and “Maghreb and Sahel Terrorism: Addressing the Rising Threat from al-Qaeda and other Terrorists in North and West/Central Africa,” published by the International Center for Terrorism Studies, are two of several recent studies that underscore the growing threat to international security in the region.

The lack of US attention to this issue is nowhere more evident than in the 2008 report of the State Department on Human Rights where there is no mention of the camps or the human rights abuses in the camps, and only a fleeting sentence in the Algeria report lamenting their refusal to allow the UNHCR to conduct a census in the camps.

Building Political Will and Incentives for a Solution through Concrete Actions

The primary obstacle to resolving the problem in the Western Sahara is the lack of political will on the part of Algeria and the Polisario Front to accept the autonomy/sovereignty compromise, and a corresponding lack of will on the part of the United States, the UN Security Council, UNHCR, and other UN agencies to take concrete actions that could help build conditions more favorable to a negotiated solution.

- Beyond public declarations, the US has done little to promote adoption or implementation of its policy backing a compromise based on the sovereignty/autonomy formula. There are a number of key steps that the US should take immediately to support its policy.
  - Senior US officials, including the US Ambassadors in Morocco and Algeria, should be encouraged, indeed required, to visit the Western Sahara and the camps in Tindouf. Such visits are now prohibited by State Department policy. While perhaps useful in the past, today this prohibition conveys the impression that the United States is so unconcerned with the problem that it does not need the first-hand views of its most senior diplomats to help inform and guide the process of resolving the issue.
  - The policy decision to restrict US access to the Western Sahara and deny US development assistance funds to the region should be reversed. Morocco has invested hundreds of millions of dollars in the territory and would welcome US participation in meeting genuine humanitarian and development needs in the area. This kind of engagement would demonstrate through concrete actions that the United States is fully committed to its support for autonomy. Further, it would build confidence among the Sahrawi people to endorse such an outcome.
  - State Department bureaucrats should align their internal decision-making criteria vis-à-vis the Western Sahara with Secretary Clinton’s remarks. Inside the State Department, there is bureaucratic stalling that inhibits creative approaches and initiatives that could lead to resolution of the conflict. As Zbigniew Brzezinski wrote recently, “As a result [of
● Obama’s priority on domestic political affairs], his grand redefinition of U.S.
foreign policy is vulnerable to dilution or delay by upper-level officials who have
the bureaucratic predisposition to favor caution over action and the familiar over
the innovative."

● Existing US foreign assistance programs in Morocco targeting social and economic
development should include the inhabitants of the Western Sahara, especially those focusing on health,
education, entrepreneurship, and similar capacity-building initiatives.

● The people of the Western Sahara have clearly demonstrated their commitment
to democratic participation within the Moroccan context by large turnouts in
local elections despite Polisario calls for boycotts and cancellations. Continued
support for NGO, civil society, and local government programs will enhance the
US presence in the region and US support for their democratic participation.

● The US should help establish conditions for a successful autonomy arrangement
by engaging US agencies including USAID, USTDA, OPIC, and EX-IM Bank
in support of enhancing private sector investments in the region. America’s
European partners are already investing in key sectors in the region. There is no
reason that the United States should not follow suit.

● The United States should recognize the Western Sahara conflict as an
impediment to US economic investment and opportunity in North Africa. Once
the conflict is resolved, the US will have leverage with Algeria by responding to its
need to attract US investments in their energy sector, tourism, and
infrastructure. More importantly, this offers the US an array of opportunities to
promote broader regional economic integration. Morocco’s free trade
agreement with the US will benefit the Maghreb countries, principally Algeria,
clearly demonstrating the benefits of settling the conflict.

● The UN should implement its mandate to encourage Sahrawi leadership in both the
Tindouf camps and Western Sahara region to work together on matters of
mutual interest affecting the region. One of the original confidence building
measures, this dialogue can help build towards the broader integration on
interests on both sides of the berm.

● The UNHCR should work with the Security Council to urge Algeria to
respect their legal obligations under the 1951 Refugee Convention and the 1967
Protocol and reduce the burden associated with maintaining the camps in
a hostile physical environment. As mentioned, the UNHCR should
immediately begin a public information campaign in the camps to inform the
refugees of their rights under international law, including
identification, documentation, access to
travel documents, and freedom of
movement. Support from Algeria and the
international aid community make the
continued existence of the Polisario Front
possible; current policies only encourage
their intransigence. If the UNHCR carries
out a census in the camps, those results,
along with freedom of movement that
includes repatriation for the refugees, and

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more accountability for international food and medical assistance, would drastically change conditions in the camps making them obsolete, thus greatly reducing the humanitarian crisis and the costs to Algeria and the international community.

- In addition to a voluntary repatriation program, the UNHCR and the UN Security Council should openly encourage Algeria to allow the refugees to settle elsewhere in Algeria and exercise the rights that Algeria is obliged to respect under international law. UNHCR should also be actively seeking other resettlement options for refugees who do not choose repatriation to Morocco or who do not wish to resettle elsewhere in Algeria.

**Conclusion**

A remnant of the Cold War, the conflict in the Western Sahara historically has not been a priority for US diplomacy. Despite the shift in US policy under President Clinton, the United States has failed thus far to take clearly identifiable actions that make a negotiated solution more attainable. With the existing strong bipartisan Congressional support for the kind of compromise political solution based on the sovereignty/autonomy trade-off, the Obama administration should take tangible actions now to support its policy and move towards a definitive resolution of the conflict.

Solving the Western Sahara conflict will provide yet another benchmark for effective resolution strategies that incorporate evolving principles of self-determination, integration of parochial interests through confidence-building measures, and effective external prodding and oversight. As noted, resolving the Western Sahara conflict rests on two core issues: achieving a political compromise based on the sovereignty/autonomy formula that meets the standards for a sustainable solution; and recognizing and enforcing the rights of the refugees in the camps.

Autonomy in the Sahara under Moroccan sovereignty remains the only realistic solution to resolve this long-running conflict. Moreover, autonomy addresses key policy concerns for the United States and the international community—providing self-determination for the Sahrawi people and ensuring security and stability for the region. The US government should now move forward. It has the support of the majority of the US Congress and most of the UN Security Council to focus the negotiations on specific steps towards implementing autonomy with international support for the rights and needs of the people living in the region.

Doing less undermines President Obama’s call for US foreign policy to “look around the corner” to anticipate where the US should be active to impede threats to America’s security. In the Western Sahara, the US can make a decisive impact on resolving the conflict by implementing its existing policy concretely and helping end the humanitarian crisis for the people of the Sahara.

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9In late January 2010, the Co-Chairs of the Refugee Caucus in the US House of Representatives, Zoe Lofgren (D-CA) and Lincoln Diaz-Balart (R-FL) sent a letter to UNHCR expressing concern about the report from USCR of “ongoing human rights and resettlement failures” in the Algeria refugee camps. The Congress members called on UNHCR to “actively work with the UN Security Council and other interested States” to “protect the populations of these camps who have reportedly suffered far too much already.”
About the Authors

Ambassador Edward M. Gabriel (ret.)

Ambassador Edward Gabriel has an extensive background in international affairs, having convened multilateral policy forums involving national security, environmental, trade, and energy issues. He has been involved in matters of Russian and European nuclear non-proliferation and safety, and he has been active in advising the US Government on Mideast policy matters. From November, 1997-March 2001, he was the US Ambassador to the Kingdom of Morocco during which time a new US-Morocco strategic relationship was launched on political, military, and economic levels.

Ambassador Gabriel is also active with non-profit organizations. He is a Visiting Fellow at the Center for Strategic and International Studies, a member of the Global Advisory Board of George Washington University, a founding member and Vice Chairman of the American Task Force for Lebanon, a member of the boards of Amid East, the Keystone Center, the Tangier American Legation Museum, the Casablanca American School, and the American School of Tangier. He holds a B.S. degree (business) from Gannon University.

Currently, Ambassador Gabriel is President and CEO of the Gabriel Company, LLC, and his clients include the Government of Morocco and the Moroccan American Center.

Robert M. Holley

Robert M. Holley has been intimately involved in international affairs his entire career. After Vietnam era service as an Army helicopter pilot, Mr. Holley joined the U.S. Foreign Service, where he devoted 21 years to a variety of assignments in Washington, Europe, Latin America and North Africa. He retired from the State Department in 2002.

Mr. Holley is well-versed on North Africa and the Maghreb. He is particularly knowledgeable about Morocco and the Western Sahara conflict, having served as the principal U.S. Government interlocutor between the Moroccan Government and the Polisario from 1998 to 2001.

Mr. Holley is the recipient of an impressive variety of military and civilian awards for his service to his country with the United States Army and the Department of State, including the Secretary of State’s Career Achievement Award and the Silver Star. Currently, Mr. Holley advises the Government of Morocco and is the Executive Director of the Moroccan American Center for Policy in Washington, DC.