Western Sahara and the United States: Clientelism and exceptionalism in Africa's last colony

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1. Introduction

In a Westphalian international order the United States arguably ranks as the most audacious case of decolonization. During an 18th century age of empire and yet-to-be conceived political, human rights and legal norms, the American experiment in self-determination set an immediate stage for Haïti and Latin America to escape colonialism and it continues to be an example followed today. The United States (the US) as proclaimed guardian of the emancipation of peoples should be a powerful force in the case of Western Sahara, Africa's last colony. But it is not. The reason is no surprise. In the modern era of the late 20th and 21st centuries, the US has sometimes failed to support self-determination in a principled manner. American exceptionalism – the self-assumed mission to pursue a universal freedom of peoples, until recently a part of the country's international relations – could yet be reasserted but in the case of Western Sahara it has been alloyed with clientelism and self-interest.

Western Sahara may be the last case of decolonization in Africa, where the organized international community and legal norms favor the Saharawi right of self-determination but when it comes to assessing the role of the US, the recent cases of Timor-Leste (East Timor) and Namibia must be recalled. All three were the most protracted and more violent among those of a project of UN *Charter* inspired decolonization. The three cases are examples where the US chose to not employ its influence with client states where those states persisted in the occupation of colonies originally created by European powers. As discussed below in the case of Western Sahara, several factors explain such an American passivity. They include the politics of a Cold War with the Soviet Union, America's perceptions of the Global South, the pursuit of national security objectives through military and trading alliances, and a mostly constant acceptance of a leading role for the United Nations (the UN) in matters of decolonization.

This article is intended to contribute to a discursive analysis in the present edition of *Africana Studia* by examining the history, political economy and prospects of US involvement in what the UN calls the "question" of Western Sahara. US involvement has been previously considered by others, notably Hodges (1983), Damis (1985), Shelley (2004), and Zunes and Mundy (2010). However, the passage of time together with events in the Middle East and North Africa after the 2011 Arab Spring, US diplomatic assessments available after 2010

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from sources such as Wikileaks, combined with a changed and uncertain US foreign policy, demand new appraisal. This article traces an historical path, examining US conduct and statements pertaining to Western Sahara in the context of the country's relationships with the leading parties: Morocco, Algeria, France, the UN, and Spain, and a limited involvement with others including Mauritania, the African Union, the European Union and the former Soviet Union. From the outset the US engaged the Saharawi people least of all, for several years after the 1975 invasion of Western Sahara rejecting even low-level diplomatic contacts with their national liberation movement, the Polisario Front.[1] The article concludes with an assessment of the prospects for US engagement in the coming years.

2. Client state decolonization: The US and Spanish Sahara before 1975

In the future, 20th century decolonization will be considered remarkable – given the success of self-determination of formerly non-self-governing peoples – because of three things. The first is the speed with which the organized international community achieved unanimity for the UN to oversee such an emancipation project and for the emergence of legal norms that reinforced its legitimacy. Thirty years after the UN *Charter* and fifteen years after the impetus of UN General Assembly Resolution 1514, by 1975 decolonization was nearing completion. Only the difficult cases, those of Spain's reluctance and of neighbour-state occupation of former colonies (Namibia and Timor-Leste, as noted), remained.[2] A second remarkable artefact of the era was the Cold War between the Soviet Union and the US, which did not impede the pace of self-determination of non-self-governing peoples. A third successful feature was oversight by the UN organization, where states in the setting of the General Assembly collectively identified and directed decolonization in specific cases. The three factors reinforced each other, the US and the Soviet Union in their own ways claiming the desirability of ending colonialism behind the façade of the UN while pursuing relationships with new and existing allied and would-be client states.

America's position toward Spanish Sahara, as it then was, can thus be accounted for. It offered no particular response when the UN General Assembly listed Spanish Sahara for decolonization in 1965.[3] That was because Spain alone was responsible to meet the General Assembly's request and during the latter decades of the Franco regime the country's foreign policy went unquestioned by the US as a reliable ally.[4] The American relationship with states of the Maghreb after their independence – Algeria, Mauritania and Morocco – was in its early stages.[5] Moreover, during the 1960s northwest Africa did not have the strategic considerations it presents today, including problems of trans-Sahel

[1] The Polisario Front (the Popular Front for the Liberation of Sakiet el-Hamra and Río de Oro) was created in 1973 in direct response to Spain's reluctance to decolonize the Spanish Sahara, acquired in 1885 following the Congress of Berlin. It is the Polisario Front that the US and the UN (and others) accept as the representative organization of the Saharawi people for the purpose of self-determination. The US does not recognize the democratically elected Saharawi Arab Democratic Republic (the SADR) and refrains from using such a style even in internal diplomatic communications. In this article, Saharawi refers to the original inhabitants of Western Sahara (as the territory has been known since 1975) and their descendants today. The territory is referred to as Spanish Sahara until the time of Spanish withdrawal between 14 November 1975 and 26 February 1976.

[2] Western Sahara, Advisory Opinion, ICJ Reports 1975, 12. The Court confirmed the right for non-self-governing peoples to freely choose their political status, including the option of independence. *Ibid.*, paragraphs 54-59.

[3] UN General Assembly Resolution 2072 (XX), Question of Ifni and Western Sahara (16 December 1965). The resolution "urgently requested" Spain to "immediately take all necessary measures for the liberation of ... Spanish Sahara from colonial domination."

[4] Spain would join the North Atlantic Treaty Organization (NATO) in 1982.

[5] Morocco would rely on its historic relationship with the US, dating to the early 1800s, if insubstantial during the French colonial period, in its efforts to influence the US about Western Sahara.

human migration, Islamist radicalization, and civil society conflict in North African countries following the Arab Spring.

It was Spain's 1973 promise to the Saharawi people of a change in their territory's status to autonomy, pointing to eventual independence, which set the stage for US involvement. Spain's long-delayed acceptance of Saharawi self-determination was confirmed after meetings of the Organization of African Unity (the OAU) in May 1973 and the Non-Aligned Movement in Algiers that September which called on Spain to decolonize the Sahara. "Franco's [September 1973] proposals were duly endorsed by the [Saharawi] Djemaa at a session held on November 13-15, 1973, and in accordance with the new policy, Spain abstained in the UN General Assembly's vote on Resolution 3162 on December 14, instead of casting a negative vote as in December 1972."[6] (Hodges, 1983: 168) Spain's commitment to decolonizing the Sahara forced the matter for Mauritania and Morocco, each advancing their interests to the Sahara. In May 1974 the US understood Mauritania's concerns as follows:

> *Mauritanian Foreign Minister Mouknass summoned me on urgent basis early May 31 (A) to register Mauritania's government vigorus [sic] objection to Spanish assertion contained in recent letter to UN [Secretary-General]) that [government of Spain] would, in absence of other solution, set date for its departure from Sahara and would hand over power to entity chosen unilaterally by it; and (B) to request [US government] to intervene as great power and as friend of Spain with Spanish authorities to convey [Mauritania's] displeasure ...*
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> *Government of Mauritania approach on Spanish Sahara is sharp break with past practice. This is first time foreign minister has initiated discussion with embassy, has solicited US support for Mauritania position, or has requested US involvement. [...]*
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> *In response, I noted [US government] had traditionally taken position of strict neutrality on substance of Sahara dispute, but had and would continue to urge four most directly interested states (all of whom are our good friends) to work toward reasonable and above all peaceful solution to difficult problem.*[7] (US diplomatic telegram, 31 May 1974).

Morocco, too, was now asserting a would-be historic claim to the Sahara. "On July 16, 1974, the king summoned political leaders to a special conference to plan a diplomatic blitzkrieg of the world's capitals ... to put Morocco's views of the Western Saharan problem to governments throughout the world." (Hodges, 1983: 180) This caused Spain to respond in a letter on 20 August to the UN Secretary-General "that it would hold a referendum under UN auspices in the first six months of 1975." (Hodges, 1983: 170) Such a step was intolerable to Mauritania and Morocco. Therefore, in December 1974 the two states secured the support of others to have the General Assembly refer the status of Spanish Sahara to the International Court of Justice (the ICJ) for an advisory opinion. The ICJ was asked whether at the time of colonial acquisition the territory was *terra nullius* and, should it not have been, if there were "legal ties" between the territory and Mauritania and Morocco.[8] (UN General Assembly Resolution 3292 (XXIX)) The US was publicly silent, taking no apparent interest in the case. America's view was that the affair was a matter for the four states directly concerned and not, it can be added, of much concern for the Saharawi people.

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6 In December 1972 the vote for the General Assembly's annual resolution to request decolonization of Spanish Sahara was 84 (in favour) – 10 (against) – 26 (abstaining). In December 1973 it was 108-0-23.

7 It was clear Mauritania was contemplating the UN General Assembly would refer the matter of territorial claims to the Spanish Sahara to the International Court of Justice.

8 The resolution vote was 87-0-43, with Spain among those which abstained. "Most states, however, were more than pleased to have the Saharan dispute shuttled off to the World Court. Most Arab states, besides, were now giving strong support to Morocco." (Hodges, 1983: 185).

In August 1975 the US embassy in Mauritania reported to the State Department that Morocco and Mauritania had an "oral understanding" to partition Spanish Sahara. This was before the ICJ was to issue its advisory opinion and while the General Assembly awaited the report of a mission sent to the territory to assess the prospect of Saharawi self-determination. "Although [Mauritania] and [Morocco] may have agreed in general terms on division of Sahara at approximately 26th parallel, we seriously doubt agreement has been reached on precise partition line or even on criteria to be used eventually in locating exact location of border." (US diplomatic telegram, 6 August 1975)[9]. October was the moment of consequence for the United States: only now was it understood that Western Sahara might be taken by force. The US embassy in Rabat observed on 1 October: "Our reporting of late on Sahara has pointed to confluence of events of which timing governed largely by UNGA/ICJ processes and king's self-imposed year-end deadline for resolving matter ... If ICJ opinion disputes [Morocco's] claims to sovereignty, some military response by [Morocco] likewise predictable." (US diplomatic telegram, 1 October 1975). The embassy added "there may be difficult choices for the U.S. A Spanish request, for example, for UN supervision of referendum or even UN guarantees for its forces during its withdrawal would probably be resisted by [Morocco]." (*Ibid*.) It was, at mid-month, the report of the General Assembly's visiting mission and the ICJ's release of its advisory opinion which caused Mauritania and Morocco to act. The Court's opinion met with no US response to the finding that Mauritania and Morocco did not have "any" territorial claim to the territory and that the Saharawi people had the right to self-determination (Western Sahara Advisory Opinion, paragraph 162). The following report from its embassy in Mauritania is telling of America's position at the time:

> *If we are going to back away from eloquent re-statement of U.S. dedication to self-determination which Ambassador White made a few days ago in New York and begin, for pragmatic geopolitical reasons, to support takeover of Sahara by interested parties, we had better embark on major effort to make absolutely sure that takeover is in fact a Mauritanian-Moroccan partition and not a unilateral Moroccan annexation ... public and private statements coming out of Rabat, New York, and Marrakesh this past week suggest very strongly that Moroccans have no intention of honoring agreement they made with Mauritanians to divvy up Sahara. [...]*
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> *If the [US government] decides that the developing Sahara situation now requires us to abandon our previous stance of strict neutrality among parties and to begin, in order to insure a peaceful resolution of problem, to support actively one of the protagonists – Morocco, we should in return insist that King Hassan pursue a resolution of the Sahara problem which maximizes chances of general international acceptance and minimizes possibility of further regional instability and potential conflict. Partition, yes; annexation, no* (US diplomatic telegram, 23 October 1975).

This explanation of the US position was consistent with the country's support for a consensus resolution in the Security Council on 22 October. The resolution reaffirmed the application of UN General Assembly Resolution 1514 "and all other relevant General Assembly resolutions" to Western Sahara, directed the Secretary-General to consult with the parties and appealed for "restraint and moderation" (UN Security Council Resolution 377 (1975)). America's mission at the UN noted it "fully associated" itself with a call for "restraint on the part of all the parties concerned" (US diplomatic telegram, 23 October 1975).

[9] "[Deputy Chief of US Mission] noted that both countries are claiming, either implicitly [*sic*] or explicitly, entire Western Sahara and asked how there could be a 'common position' on future of territory." *Ibid*. at paragraph 2.

On the eve of invasion, the United States chose to limit its influence on the question of Western Sahara. Its stated position was one of strict neutrality. There appeared to be no global implications for the US in how Spain would relinquish its colony; Madrid's responsibility for an orderly decolonization would go unchallenged. The other states concerned, principally Morocco, were understood to be aligned with the US. In addition, the US made no connection of the dispute in the Sahara to its role in the Middle East in the context of the Arab-Israeli conflict. The US also refrained from suggesting international law should be respected, including the ICJ's conclusions and the requirement of the UN *Charter* for states to respect territorial integrity. Least of all did the US acknowledge the Saharawi people's aspiration to be free from colonial domination, as the following observation of the US embassy in Rabat made clear:

> *An independent Sahara. Question of how [US government] should view the possibility of creation independet [sic] Sahara has been rasied [sic] before and we have made known our views ... We do not feel it is in U.S. interest to see created in region a state whose existence would inevitably generate contention and pose security problems – although Moroccan/Mauritania absorption of this territory would by no means free it entirely from subsequent contention by both internal and external interests. Putting aside for the moment terms of eventual ICJ advisory opinion, and despite some possible economic policy reservations over substantial new phosphate marketing power that would accrue to an enlarged Morocco, purely practical aspects of the matter lead us to conclude that Moroccan and Mauritanian sovereignty over Sahara preferable to an independent state of questionable longevity and open to outside influences potentially inimical to U.S.* (US diplomatic telegram, 1 October 1975)[10].

Not until the 1997 appointment of James A. Baker III, a former US Secretary of State, as UN envoy for Western Sahara would American foreign policy contemplate the possibility of Saharawi independence and, even then, there would be no public statement or position expressed.

3. Invasion, acquiescence and the mis-prediction of success

The invasion of Spanish Sahara by the armed forces of Mauritania and Morocco began immediately after the ICJ's advisory opinion. These were small-scale incursions intended to secure later advances into the territory and cause Spain to withdraw, its civil and military presence in the territory already limited. (Hodges, 1983: 210-219) Morocco's November 6 "Green March" met with no protest by the US or other states, and domestically ensured public approval for King Hassan to "recover" the Sahara. The ICJ's advice to the General Assembly was waning, the affair moving into a Security Council that would become the forum to resolve the question of Western Sahara in later years. "Once the March had been announced, the king knew he would be running serious political risks if he decided to call it off. There could be no turning back, he said on November 30." (Hodges, 1983: 214) On 2 November, US Secretary of State Henry A. Kissinger directed the US embassy in Rabat to inform King Hassan that "[w]e are encouraging the Spanish government to continue negotiations with you ... In particular we would encourage you to give serious consideration to the proposals by Secretary General Waldheim."[11] (US diplomatic telegram, 2 November 1975).

[10] The high water mark of US support for Saharawi self-determination at the time would be indirectly expressed in the Security Council's 22 October resolution, above, which affirmed UN General Assembly Resolution 1514.

[11] "While Spanish warnings ... are no doubt taken seriously by [Morocco], there is a heavy dose of oriental fatalism in Morocco's Sahara policy and king seems determined to play out game to its conclusion. At same time, king wants to

History reveals that the Green March was successful not only for its domestic political result in Morocco, but as a means of pressure on Spain to negotiate the giving-away of its Saharan colony. This was materially achieved in the Madrid Accords of 14 November[12] (Madrid Accords, 1975). The specific terms of the Accords would not become public for some time, while subsidiary agreements that permitted Spain access to the Saharan ocean fishery and to remain a part owner of the phosphate mining enterprise at Bou Craa would remain secret for decades. However, the US understood the Accords provided for more than a tripartite administration of the territory directed to a goal of self-determination. "Although Moroccans have assured us that separate agreements for transfer of power exist, [the text of the Madrid Accords] makes no mention of transferral of sovereignty or of status of interim administration following Spanish departure from Sahara." (US diplomatic telegram, 24 November 1975). Pressure on the US to intervene was therefore eased. There was now less possibility of armed conflict between Spain and Morocco, no demands were made by Algeria or the OAU for US intervention, and the Madrid Accords offered a fiction of respect for self-determination while a preferred result of partition was secured. In November, the formal position of the United States found its way into Security Council resolutions requesting the Secretary-General to continue consulting the parties (November 2) and calling on Morocco to withdraw the Green March (November 6).[13] (UN Security Council Resolutions 379 (1975) and 380 (1975)).

The General Assembly next addressed the question of Spanish Sahara, which saw the involvement of the US as debate culminated in early December 1975. Uniquely in a decolonization matter having the guidance of the ICJ, the General Assembly split, issuing two somewhat competing resolutions. General Assembly Resolution 3458A of 10 December took note of the advisory opinion, reaffirmed the right of self-determination and requested the government of Spain to ensure self-determination under UN oversight. Resolution 3458B of the same day was distinctly general in nature, taking note of the Madrid Accords, affirming self-determination and requesting Mauritania, Morocco and Spain "to ensure respect for the freely expressed aspirations of the Saharan populations." The US voted against the first resolution and supported the second.[14] Under the second resolution, there would be no international supervision of an act of self-determination nor any direction to the UN, including the Secretary-General, to pursue self-determination in the Sahara. Secretary-General Kurt Waldheim made a further effort to assess the circumstances, dispatching Sweden's UN ambassador, Olof Rydbeck, to Western Sahara the following February. He informed the Secretary-General that "a genuine consultation of Saharawi opinion had become impossible." (Hodges, 1983: 236).

The American response to the invasion of Western Sahara settled into monitoring and pragmatic self-interest. US diplomatic missions and the State Department concluded the Soviet Union had little attraction to the affair and that it was unlikely to offer

be a negotiator to the end; while expecting Spaniards to blink first. Nevertheless, Moroccans, as well as diplomatic observers, are still desperately hoping for a deus ex machina … U.S., like France, is still seen in favourable light by king, while USSR is in doghouse. Situation could change with another Security Council examination of Sahara which produced pressures for outsiders to take more concrete and exposed positions." (US diplomatic telegram, US embassy Rabat to US State Department, 5 November 1975).

12 The accepted view is that the Accords were illegal because Spain could not unilaterally transfer its responsibility for self-determination in the Sahara. "In general, it can be stated that none of the contracting states were competent to dispose of a territory and of a people alien to them … Spain was the administrator of the territory, and still is, as stated by the General Assembly [in 1995]" (Soroeta Liceras, 2014: 138-140).

13 Resolution 380 noted the role of the UN General Assembly in the aftermath of the ICJ advisory opinion.

14 See the discussion of voting patterns in the UN General Assembly Fourth Committee on December 4, 1975, before the December 10 resolution votes, above, in US diplomatic telegram, 16 December 1975.

assistance to Algeria.[15] The US was careful to express its neutrality, observing in January 1976 to African diplomats that it had "several friends directly involved." (US diplomatic telegram, 3 January 1976). There was no concern about possible conflict between the states neighboring Western Sahara nor any exhortation on Spain to fulfill its responsibilities requested in General Assembly Resolution 3458A. The scale of Saharawi resistance to invasion from north and south becoming apparent, American diplomats began to discuss the possible use of US arms supplied to Morocco in the conflict:

> *Increasing arms shipments to Morocco at this time will, it seem [sic] to us, imply commitment on our part to see Hassan through his Sahara adventure and will at the same time encourage both Algerians and Soviets to expand their military relationship. Hassan acts as though he already has such a commitment, although he does not seem to think he has reciprocal commitment to consult with us before taking actions which may drag us into conflict. As we have noted ... most likely prospect in Sahara seems at moment to be protracted guerilla-type struggle. Capability of Morocco to counter Sahara insurgency, and for that matter of Algerians and Polisario to [mount] it, remains open to question, however, will give him level to come back for more if he feels need to do so and [will] have same effect on Soviet-Algerian relationship. Thus we may find ourselves one day locked into a long struggle in which our national interest is moot, to say the least ... It does not appear that risks involved in major new arms deal with Morocco are worth taking* (US diplomatic telegram, 13 January 1976).

The US embassy in Madrid reported Spain's withdrawal from the Sahara on 26 February. "There is an element of helplessness and frustration in [the Spanish foreign affairs ministry's] description of events as well as considerable resentment to Morocco in particular and some of the Arab countries in general. The Saharan experience ends Spain's colonial presence in Africa." (US diplomatic telegram, 27 February 1976). In April the US State Department instructed the ambassador in Rabat who was to meet with King Hassan to raise the matter of Western Sahara and "inquire whether [Morocco] intends to extend franchise to inhabitants of portion of Western Sahara which has been integrated into Morocco." (US diplomatic telegram, 24 April 1976)[16]. As the Saharawi people arrived at Tindouf, built their refugee camps and declared an independent state – which began to acquire recognition from other states, mostly in Africa and unremarked on by the US – a guerilla campaign was mounted to oust the territory's invaders (Hodges, 1983: 241-266). As it became clear in 1977 that Mauritania was having problems resisting armed assaults on the iron ore mines at Zouerat and audacious attacks against Nouakchott, the US position remained constant, concerned with an appearance of neutrality and avoidance of contact with Saharawi officials of the Polisario Front.[17]

In the early years of the conflict, American foreign policy was routinely divided over the sale of arms to Morocco. In 1977 there was a discussion of sending military advisors, while Morocco requested modest numbers of a fixed-wing ground attack aircraft, the OV-10

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[15] *Ibid.* In a 16 December 1975 telegram, UN ambassador Daniel Patrick Moynihan carefully parsed the Soviet bloc voting record. See also US diplomatic telegram 4 November 1975: "Breaking its silence on the events in Spanish Sahara ('Western Sahara' is the Russian terminology used) Pravda (Nov 4) reports the adoption of the UNSC resolution instructing SYG Waldheim to undertake consultations with the parties concerned ... This brief item is the first public indication we have had pointing to a Soviet 'tilt' toward Algeria, or at least a tilt away from Morocco on this question."

[16] The telegram appears to be the first indication of a connection between US concerns over Western Sahara and the use of Morocco to influence Arab states in pursuit of peace in the Middle East. "We continue to hope that King Hassan, with the understanding he has always shown for our Middle East efforts, will do everything he can to encourage moderation among the Arab governments." *Ibid.* at paragraph 2.

[17] "[A visiting Spanish embassy officer] was told by [departmental officers of the US State Department] that there is no repeat no change in U.S. policy of remaining neutral in Saharan conflicts, which U.S. believes must be settled by parties concerned, possibly with mediation efforts of other African countries or international organizations." US diplomatic telegram, 5 October 1977.

Bronco (Hodges, 1983: 354-360). The Carter administration preferred to not send additional arms to Morocco or particular weapons for use in the Sahara to avoid upsetting international opinion. In March 1978 the Secretary of State wrote to the US embassies (Algeria, France, Mauritania, Spain) and Saudi Arabia, linking pending sales of fighter aircraft to Egypt and Saudi Arabia to arms sales to Morocco. The State Department wished to ensure Congressional approval for the sales to Egypt and Saudi Arabia by avoiding possible disapproval of weapons that might be "used in the Sahara (and presumably Mauritania)":

> *Under the circumstances, I have decided not repeat not to submit the arms request to the Congress at this time. We will, of course, wish to continue our traditional military assistance relationship under the terms of our 1960 agreement. In this respect it will be necessary, in communicating our negative response on the purchase of new military equipment intended for use in the Sahara, to remind the [government of Morocco] that the equipment previously acquired from us under the terms of our bilateral agreement is for use solely for the defense of territory which the U.S. recognizes as under formal Moroccan sovereignty* (US diplomatic telegram, 7 March 1978).

By 1978 it was clear to the United States that Mauritania was fighting a failing war, unable to defend against Polisario attacks in its Tiris al-Gharbia province of Western Sahara and with an increasingly weak government. In July that year, the US embassy in Nouakchott reported:

> *With new Mauritanian regime in process of setting its policy for Sahara conflict, it is difficult for us to say with [certainty] how Mauritania will react towards amendment of arms accord to permit use of U.S.-supplied weapons outside Morocco's 1960 borders. Mauritanian leaders have given us clear directions that they want to end the war, new leadership also seems prepared to make concessions, notable [sic] on direct negotiations with Polisário, that previous regime would not have accepted* (US diplomatic telegram, 15 July 1978).

In July 1979 the US embassy noted the persuasive effect on Mauritania of a Polisario attack on the garrison at Tichla, a short distance inside Western Sahara. "Polisario seems to have chosen first anniversary of its ceasefire with Mauritania to underscore its dissatisfaction with Mauritanian regime's refusal to recognize Sahraoui Republic and to withdraw from Mauritanian portion of Western Sahara" (US diplomatic telegram, 12 July 1979). On 5 August at Algiers, the Polisario Front and the government of Mauritania concluded a peace treaty; Mauritania admitting its claim to the Sahara had been wrong and committing to withdraw from the territory (Mauritano-Sahraoui agreement, 1979). Morocco then moved to occupy the southern part of Western Sahara, although the continuing attacks by Polisario Front forces revealed it had overstreched in the territory (US diplomatic telegram, 13 September 1979). These developments met with equanimity from the US, which offered no response about the long-term implications of Morocco occupying much of Western Sahara. The Carter administration was instead concerned about the stability of the Hassan regime and a need to rely on Morocco as a moderate intermediary in the Arab-Israeli conflict.

In late 1979, the US reversed its position on arms sales to the kingdom, the Pentagon announcing a sale of fighter and ground attack aircraft, and helicopter gunships a few months later. (Hodges, 1983: 358) More support for Morocco began with the new Reagan administration in 1981. "A remarkable succession of high-ranking U.S. officials began calling on King Hassan." (*Ibid.,* 359). The year revealed Morocco's tenuous hold on Western Sahara, its garrison in the south at Guelta Zemmur overrun by Polisario forces in March and again in October when several Moroccan aircraft were shot down. With

the berm's construction started in late 1980 and Laayoune and the phosphate mine at Bou Craa enclosed behind it the following May and a year later to the coast at Boujdour, Morocco was at risk of relinquishing much of the Sahara. "While increasing arms sales to Morocco, the Carter and Reagan administration recognized that Hassan could not win an outright victory in Western Sahara in purely military terms ... The idea was to signal to Polisario and Algeria that the U.S. would not allow Morocco to be driven out of Western Sahara." (Hodges, 1983: 361).

4. The stalemate of the 1980s and the 1991 Settlement Plan

After 1982 the risk of defeat for Morocco began to wane. The principal reason for what became a stalemate between the opposing forces was Morocco's extension of the berm in stages further south and inland. By 1988 the berm was a continuous fortified line 2700 kilometres long, dividing the territory diagonally. Its effectiveness as a defensive structure that Polisario forces could not breach was ensured by a heavy garrisoning of Moroccan soldiers at emplacements every six kilometres and with millions of landmines along its inland strip. America's concerns for its ally over what was manifestly now an annexation project could subside.

On the diplomatic front, efforts by the UN had also diminished after the frenetic activity of 1975. As with Timor-Leste and Namibia, Western Sahara was a matter for annual review and drafting of resolutions by the General Assembly's Fourth Committee, the Assembly's adopted resolutions becoming more anodyne with passing years. Meanwhile, in 1981 the Organization of African Unity (OAU) Assembly agreed to a resolution calling for a ceasefire and establishing an Implementation Committee to work with the UN toward Saharawi self-determination (AHG Resolution 103 (1981)). 1983 brought further impetus in the OAU, with a resolution that restated the 1981 terms including direct negotiations between the parties toward a self-determination referendum supervised by the OAU and the UN (AHG Resolution 104 (1983)). The OAU resolutions influenced discussion in the UN General Assembly. In Resolution 40/50 of 2 December 1985, the General Assembly affirmed the 1983 OAU resolution "which establishes ways and means for a just and definitive political solution to the Western Sahara conflict".[18] (UN General Assembly Resolution 40/50 (1985)).

It was UN Secretary-General Javier Perez de Cuellar who oversaw negotiations toward an agreed UN conduct of a self-determination referendum for the Saharawi people. The elements of the referendum plan culminated in a resolution of the UN Security Council in June 1990 with implementing details in an April 1991 resolution.[19] For its part, the US supported what had been negotiated under UN auspices and therefore at least contemplated the possibility of an independent Saharawi state. The Settlement Plan came into effect in September 1991. A referendum was to follow 35 weeks later, an unrealistic timeline given the state of occupation of Western Sahara, its geography, a large Saharawi refugee population at Tindouf, and the challenges of identifying who was entitled to vote. (However, in 1999 a referendum in Timor-Leste would be accomplished in less time.) The Settlement Plan did give the United States the advantage of ensuring the question of Western Sahara remained in the Security Council. The UN General Assembly had sometimes been an unruly horse for the US when dealing with Western Sahara. Henceforth, the creation of a UN presence in Western Sahara (MINURSO) to organize a

[18] The vote in the General Assembly for the resolution was 96-7-39. The US abstained from voting. For a discussion of the OAU-UN process from 1981 until 1991, see Zunes and Mundy, pp. 169-190.

[19] See UN Security Council Resolutions, "The Situation Concerning Western Sahara" S/21360 (18 June 1990) and S/22464 (29 April 1991).

referendum and the requirement for routine Security Council review and funding approval for such a mission would reduce the General Assembly to a passive role, one that has been largely confined to making unobjectionable annual resolutions for self-determination.

5. America's neutrality: The Baker Plans and 2004 impasse

After 1991 the United States assumed a more neutral posture toward Western Sahara. There were other pressing foreign policy matters in the aftermath of the Cold War and UN administration of voter identification in the Sahara was a slow process. Indeed, 1992 brought no UN Security Council resolution touching on the conflict or the Settlement Plan. However, the Security Council's resolutions from 1993 through 1997 reflect growing impatience over the slow pace of voter identification and acceptance by the parties. A 1995 resolution exhorted Morocco to overcome the delay in its vetting of would-be registrants. (UN Security Council Resolution 1017 (1995)). The United States supported the resolution.[20] In early 1997 the UN Secretary-General appointed former US Secretary of State James A. Baker III as special envoy for Western Sahara. The choice of Baker was logical. An American attempt to arrange direct talks between Morocco and the Polisario Front in 1996 had been unsuccessful (Zunes and Mundy, 2010: 205). "In many ways, [Baker's appointment] was better than direct State Department mediation because U.S. influence was being exercised through an independent agent of the UN secretary-general rather than directly by Washington." (*Ibid.,* 207) In the seven years of Baker's involvement, no US foreign policy position on Western Sahara appears to have been directly pursued through his efforts. However, it is clear that the US wished for resolution and supported the principle of self-determination, especially in a second 2003 proposal negotiated by Baker later rejected by Morocco. "When he had taken the position in 1997, he had brought with him the explicit backing of the U.S. government." (*Ibid.*, 238).

In 2004 American neutrality was seemingly confirmed by a declaration that the recently negotiated Morocco-US free trade agreement did not extend to Western Sahara's territory. This was short-lived, however. The perceived exigencies of the American war on terror tended to promote alignment with Morocco:

> *Several months after Baker's resignation, on November 19, 2004, Deputy Secretary of State Richard Armitage told Aljazeera … that the United States supported what he called 'the territorial integrity of Morocco,' with respect to Western Sahara. Although this description was not yet the administration's explicit policy, Armitage has articulated the essence of U.S. policy since 1975."* (Zunes and Mundy, 2010: 239).

The United States continued to exercise quiet diplomacy in the aftermath of Baker's resignation. There was concern about statements from Polisario officials that a resumption of hostilities was possible. The US "had made known to the [government of Algeria] and the Polisario that Polisario threats and renewed armed struggle were unacceptable and counterproductive."[21] (US diplomatic telegram, 15 June 2005) At this point, the US considered UN-led diplomatic efforts to hold limited promise: "Absent signs of flexibility from Algeria and Morocco, the naming of a Personal Envoy would lead to an impasse over the Envoy's mandate, thus setting back rapprochement efforts." (*Ibid.*) As 2005 drew on, the US position evolved to asking Morocco to offer a form of autonomy plan further to what the kingdom rejected from James Baker in 2004:

[20] On such delays, see Zunes and Mundy, 191-218.

[21] In 2005 the US confirmed to Algerian officials that the US government had "no intention at this time of designating the Polisario as a terrorist organization." US diplomatic telegram, 24 July 2005.

> *We believe that a central message from [new UN envoy Peter] Van Walsum to the Moroccans, as he takes up his mandate, is to press the [government of Morocco] for an expansion of their previous concept of autonomy … Since there appears to be substantial consensus within the [US government] and elsewhere that autonomy under Moroccan sovereignty is the best political solution to the Western Sahara conflict, the international community needs to force Morocco's hand to produce a credible plan that can serve as the basis for negotiations.*[22] (US diplomatic telegram, 23 September 2005).

On 11 April 2007 Morocco delivered its autonomy plan to the UN. It was hailed by the State Department's under-secretary for political affairs Nicolas Burns as "a serious and credible proposal to provide real autonomy for the Western Sahara". (*Agence France Press*, April 11, 2007) However, the US had been involved in at least the final stages of drafting the plan: "King Mohamed VI had agreed to the word changes proposed by U/S Burns, and [Morocco's UN] Ambassador Sahel had presented the revised Moroccan proposal to SYG Ban this morning." (US diplomatic telegram, 11 April 2007)[23]. In a meeting the same day the US ambassador to the UN committed to Morocco's foreign minister that the US "would draw the conclusion that Morocco's plan was the best solution" if, in two months', time the Polisario Front refused to be "constructive". (*Ibid*.) In later discussions with the US ambassador to Algeria, the Saharawi ambassador to Algeria, Mohamed Beissat observed that an American mediator in the wake of the April proposals "was now out of the question given the U.S. alignment with Moroccan views." (US diplomatic telegram, 8 May 2007). Over the following 18 months until the Obama administration came into office and the UN appointed a new envoy for Western Sahara there would be little engagement by the US.[24]

6. America at the margin? Autonomy and obduracy since 2007

Since 2009 America's involvement with Western Sahara has been, until recently, at its lowest ebb since 1975. During these years US diplomacy offered no initiatives to the parties or to the Group of Friends, including Algeria, Mauritania and Spain. The matter of Western Sahara was for oversight by the UN Secretariat, *i.e.* the Secretary-General along with routine annual decisions by the Security Council to renew MINURSO.

Three things explain American passivity in the years after the parties' proposals of 2007. A first is that the US enjoyed good relations with Algeria and Morocco as principals to any negotiation that would take place, followed at some distance by Spain, that country's successive governments after 2009 declining meaningful participation. The US remained in occasional contact with Saharawi officials in Algiers or through the Algerian ministry of foreign affairs, in preference to Polisario Front contacts at the UN in New York and Washington.[25] Therefore, the US did not need to work beyond the parties or pursue fresh initiatives given what then appeared to be the available ground of negotiation.

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[22] Zunes and Mundy observe a split in the US approach following the Baker era, between UN ambassador John Bolton and Elliot Abrams of the National Security Council, with the pro-Moroccan Abrams prevailing by early 2007. (Zunes and Mundy, 242-243) An extensive discussion of Ambassador Bolton's views can be found in US diplomatic telegram of 18 May 2006.

[23] The US ambassador to the UN noted to Ambassador Sahel of Morocco that the Polisario Front's submission of a proposal on 10 April could complicate matters in the UN Secretariat. "Morocco could count on US support, and we would work very closely with the French in following up immediately with the [Secretary-General]." *Ibid*., paragraph 13.

[24] US diplomacy during these months was directed to getting the parties to negotiate directly, including under the oversight of UN envoy Peter Van Walsum. The US pushed for the Polisario Front to negotiate on the basis of Morocco's autonomy plan. See *e.g.* US diplomatic telegram, US embassy Algiers to US Secretary of State, 23 October 2007.

[25] The records of such latter contacts in leaked US diplomatic cables published by Wikileaks for the period 2003-2010 is strikingly minimal. The State Department appears to have made no sustained effort to exert influence on Saharawi officials in the US or other than through the government of Algeria.

A second factor that reinforced American passivity was the appointment of Christopher Ross as UN envoy. His term, as with James Baker, until he resigned in 2018 would be unsuccessful. However, the aftermath of Morocco's 2007 proposal combined with a Saharawi insistence that the second Baker Plan must apply, meant the choice of Ross was appropriate. A former US ambassador to Algeria, he came with extensive knowledge of the region and was trusted by Algeria and the Polisario Front's leadership. He would also have substantial backing from UN Secretary-General Ban-ki Moon. Well regarded by the US State Department, Ross was a reliable figure whose presence allowed the US to step back from an active role. Moreover, his initial efforts to bring the parties together met with positive support. This took the form of limited scale talks on specific matters toward a working relationship or as a basis for more difficult discussions. A gathering of each party's officials in Geneva in November 2010 was typical. With a respected mediator brought along by Ross, the meeting addressed what could be done in the short term to govern natural resource development in Western Sahara.

A third aspect of America's reduced direct interest resulted from the parties themselves, because of their limited engagement of each others' positions, including the 1991 Settlement Plan, the Baker Plans, and the 2007 proposals. No initiatives were proposed by other parties and the Security Council exerted no fresh compulsion on Morocco and the Polisario Front. In these years after 2009, it became apparent that the field of negotiation no longer included the earlier plans but was about the extent to which Morocco's 2007 autonomy proposal was tolerable. This was a dynamic that could not be altered even by pronounced American influence. In a December 2009 meeting with the US ambassador to South Africa, a senior government official called for a resumption of America's engagement: "The U.S. had been engaged some years ago, inter alia through the Baker Plan, but since 9/11 had been diverted by its desire to work with Morocco on antiterrorism issues, he said. In the Obama administration there had been no apparent movement toward a re-involvement with the Western Sahara." (US diplomatic telegram, 7 December 2009).

A fourth factor can be noted. It was the exercise of American diplomacy in the UN Security Council. After 2009 the question of Western Sahara would come to the Security Council only annually. Not until 2018 would the Council renew MINURSO's term for less than a year. Except for Morocco's expulsion from Western Sahara of the civilian contingent of MINURSO after a 2016 visit of Secretary-General Moon to the Tindouf camps and the Saharawi held part of Western Sahara, the Security Council's only controversial matter was the proposed addition of a human rights monitoring mandate to MINURSO. By 2017 this, too, had faded from the agenda, the permanent members of the Security Council unable to agree on such a role. The US had greater issues to negotiate in the Security Council and therefore an additional effort concerning Western Sahara could have been counterproductive. This said, there is no evidence of a connection between Western Sahara and other American priorities in the Security Council. Indeed, the occasional reliance of the US on Morocco as an ally in Arab-Israeli matters and the war on terror declined after 2009.[26]

America's connections with Morocco continued without substantial change in other matters, including for military and counterterrorism exchanges, and the import to Louisiana by a Canadian-owned company of phosphate mineral rock exported from

[26] Morocco, as with Algeria, would continue to be important US contact states to address security in the Sahel, the concern revealed in the years of UN involvement in Mali, being that of al-Qaeda in the Maghreb, AQIM.

occupied Western Sahara.[27] In addition, US diplomacy about Western Sahara has yet to be directed to the African Union after that organization became increasingly outspoken for Saharawi self-determination in 2015. And there has been no US reaction to cases in the European Court of Justice (the CJEU) concerning Western Sahara, noted above, all arriving at the same result as did the ICJ in its 1975 advisory opinion, that "Western Sahara is not part of Morocco." (Western Sahara Campaign United Kingdom case, 2018, paragraph 64)[28].

In 2018 what might be called a change of officials took place, which a year later had yet to result in discernable change. A new UN Secretary-General, Antonio Guterres, came to office with considerable experience in the decolonization and independence of Timor-Leste. In turn, he appointed former German President Horst Köhler as UN envoy for Western Sahara. Meanwhile, the Trump administration appointed former US ambassador to the UN John Bolton as National Security Advisor. As he did in 2005-06, Bolton declared that MINURSO and thereby the UN's involvement with Western Sahara should produce results or be ended (Zunes and Mundy, 2010: 243). This sentiment may explain why the Security Council renewed MINURSO's term for six months in April 2018 and again the following October.[29] (UN Security Council Resolution S/RES/2440 (2018)) These developments have been sufficient to give the post-2007 negotiating process a modest renewed momentum. That, in turn, has momentarily satisfied American demands for progress.

Any assessment of America's continuing involvement in the question of Western Sahara must take into account US concerns in the wider Middle East and North Africa. Things remain uncertain in the wake of the Arab Spring and continuing disorder of the Syrian civil war, as well as the rise and progressive defeat of *Daesh* (ISIS) in the region. For America, Western Sahara continues to have a subordinate place. It can also be claimed that US diplomacy is in retreat, the present administration in Washington no longer holding high the banner of exceptionalism. Equally, however, it is hardly a moment for Morocco to prevail on its American ally. The kingdom's would-be autonomy plan has languished for more than a decade and, while security in the Maghreb region will continue as a leading point of connection, no new developments are on the horizon sufficient to influence renewed American interest on the Western Sahara-related dimensions of security concerns. Meanwhile, much is occurring in the European Union's relationship with Morocco (and, it should be added, Algeria) where the issue of Western Sahara has confounded matters for most of the 2010s. The US can be reliably predicted to not engage Western Sahara through Brussels. However, it is premature to suggest that America's present role will continue as disinterest or faded concern. The hegemon has not yet left the stage.

[27] The import trade appeared at time of publication to have ended, following the SADR's lawsuits against shipments transiting through Panama (to Canada) and South Africa (to New Zealand) in 2017.

[28] The result in the CJEU was identical to that in 2016 and 2018 decisions in the first cases brought by the Frente Polisario cases. The Polisario Front has since pursued, and received a first instance judgment of the Court, in a case to challenge application of the EU-Morocco aviation services agreement to the territory of Western Sahara.

[29] See October 2018 UN Security Council Report.

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