

Sahara Policy History**RELEASE IN
FULL**

This "non paper" was prepared by the ambassador of Morocco with inputs of people who had been closely involved in the process in the late 90 and in the beginning of the 20h century.

The Sahara issue is one of the most if not the most important issue for Morocco. The stability and the security of the country are at stake. For the Moroccan people, including the Sahrawis, the Western Sahara is, as it has always been, Moroccan. They see the problem of the Sahara as an unfortunate fabrication by the Algerian leadership, back in the 70s, to destabilize Morocco and the monarchy, through the Polisario proxy, within the logic of the cold war. To solve the problem, Morocco proposed in 2007, at American urging, a plan for a very broad autonomy for the region.

Morocco believes that the future of the Maghreb should be a regional integration, with open borders and a strong cooperation between all the countries of the region, particularly between Algeria and Morocco, in all fields, namely security and economy, to address the challenges we all face (terrorism, drug and human trafficking, unemployment). Morocco, the region, Europe and the United States cannot accept nor afford the creation of a failed state in the Western Sahara, in an empty territory with no resources. It will be a heaven for all the terrorists and traffickers who are already everywhere in the Sahara apart where Morocco is.

The present state of play on this issue is a direct result of an American initiative in 1999 to change course on how best to resolve the problem. The abandonment of the referendum option has been an American policy initiative, not a Moroccan one, and it took a very difficult internal political debate for Morocco to follow the American request to propose an autonomy for the Sahara.

This paper provides a brief narrative of the development of US policy on Western Sahara from the late 1990s to the present days.

- 1- Between 1991 and 1998, it was US policy to support efforts of MINURSO to complete the registration process that was preliminary to holding a referendum on the future of the territory: whether it would be fully integrated into Morocco or become an independent state.
- 2- By 1998, it had become clear that the major problem in completing the registration was the fundamental difference of opinion between Morocco and the Polisario Front over who should be allowed to vote. The Polisario wanted to restrict the list to only those Sahrawis who had been included in the 1974 Spanish census and Morocco wanted to be sure that those Sahrawis whose origins were in the former Spanish Sahara but who had either left the territory because of Spanish mistreatment or been driven out by Spain were also allowed to vote. Because of poor design on adjudicating disputes established by the UN, it became impossible to resolve this fundamental difference. When

registration activities ended in late 1998, there were roughly 90,000 people registered to vote but there were 145,000 pending appeals. It was clear this process had failed.

- 3- Throughout 1998 MINURSO mandate renewals were on a 30 or 60-day basis in the UNSC. The State Department was pressing the embassy in Rabat to urge Morocco to make further concessions in order to get to the vote. Morocco continually affirmed that it was prepared to have a vote, but it would not allow the Polisario to rig the voter list to exclude legitimate Sahrawi stakeholders, according to the view of Morocco. Tensions were high and this argument negatively affected the relationship between the United States and Morocco.
- 4- In view of these difficulties and tensions in bilateral relations, seeing that the current US approach was neither sustainable, manageable or helpful in fostering closer bilateral relations, in December 1998 the State Department undertook a formal interagency review of the policy that included the US Ambassador in Rabat, Edward Gabriel and the political counselor, Bob Holley. This review continued into January 1999.
- 5- The policy review decided that the referendum option was no longer in the interest of the United States for three reasons. First, it was clear that the registration process had produced an impasse that could not be resolved without the mutual consent of the parties. It was a dead end. Second, the review recognized that even if a vote were somehow possible, regardless of which side won the vote, it was unlikely that the losing side would accept the outcome and that such a "winner/loser" formula would only create the circumstances for increased tension and likely renewed violence in the region. Third, it was decided that regardless of the outcome, the US would never support any initiative aiming to force Morocco to adhere to an outcome it wouldn't accept.
- 6- The review accepted the proposal that a formal decision be made to pursue a compromise, negotiated, political solution to the problem, based on continued Moroccan sovereignty in the Sahara, but with the granting of a broad and substantial (by international standards) autonomy for the territory.
- 7- A formal Action Memorandum was produced at the State Department for decision by then Secretary Albright, who approved of the policy change in February 1999, and instructed that she be kept informed of developments.

- 8- Following this change of policy, senior US State Department officials (led by Martin Indyk, then Assistant Secretary for NEA) began a series of trips to Morocco in the spring of 1999 in an attempt to persuade then King Hassan II to go along with this change of course, drop pursuit of the referendum, and accept a political solution based on this formula. At this time the US embassy was also charged to undertake a series of quiet meetings with foreign embassies in Rabat to signal this shift in US policy and try to garner support from other interested international players represented in Rabat.

- 9- King Hassan II was initially very skeptical of this approach. He lacked confidence that Algeria would be prepared to bargain in good faith on such a compromise – nor was it clear that he had much confidence in the willingness or ability of the United States to become a full partner in bringing Algeria to this point of view. In addition, there were then very influential advisors around the King (such as Interior Minister Driss Basri) who were fundamentally opposed to any “third way” or political solution to the problem. The King seemed intent to await the Algerian election and hoped to engage directly with the leading candidate, Abdelaziz Bouteflika, whom he hoped and believed would become president.

- 10- On July 19 with his advisers, and on July 20th in a meeting with Ambassador Gabriel, King Hassan II indicated his desire to agree to the American position and pursue a “political solution” to the Sahara crisis. The King said that he had come to an agreement with (now) President Bouteflika and believed a solution along the lines of the American proposal was now possible. King Hassan died three days later without this change in position being made public.

- 11- Although it was difficult for HM King Mohamed VI to reverse a 20-year course of action by his father on a major policy issue suddenly at the beginning of his reign, he quickly came to an agreement in principle proposed by Secretary Albright in a meeting with her on September 1, 1999 in Rabat.

- 12- A detailed American proposal that addressed both Moroccan and US concerns was presented to King Mohammed VI shortly thereafter, in mid-September 1999 in Tangier. The US proposal involved a sovereignty/autonomy framework, with specific modalities and proposed timelines. There were two conditions from Morocco that were also met. First, although the US could not guarantee the outcome of any final solution, the United States guaranteed Morocco that it would not support any outcome of a negotiation that

did not guarantee Morocco's sovereignty in the Sahara. Second, the United States would work actively to ensure that there would not be a renewal of hostilities in the region over this issue.

13-Following this agreement, senior State Department officers (including then NEA DAS Ron Neumann) flew to Houston to brief former Secretary James Baker, who was then the Personal Envoy for Western Sahara of the UN Secretary General. Baker agreed with the approach and undertook to shape a proposal with Morocco that was consistent with the sovereignty/autonomy approach.

14-Following a meeting with King Mohammed VI in the spring of 2000, Mr. Baker reported he was certain that King Mohammed was desirous of an internationally acceptable autonomy arrangement for the people of the Sahara, under Moroccan sovereignty.

15-After intense negotiations between Mr. Baker and Moroccan officials during the subsequent 12 months, in April 2001 Baker presented a proposal to the UN that eventually came to be known as "the Framework Agreement." Morocco, through its private deliberations with Baker, was able to quickly and publically agree to Baker's proposal. Algeria and the Polisario rejected it.

16-A few months later, Secretary Baker tried to nudge matters forward by offering the Security Council a choice among four options. At the time, he was quietly circulating that he would withdraw unless the Security Council chose a clear line of action. His options were (1) proceed with the referendum; (2) force negotiations on the Framework Agreement; (3) partition the territory (an Algerian suggestion and in total contradiction with the agreement with Morocco); or (4) abandon the MINURSO mission altogether. The UNSC failed to adopt any of these options and urged the parties to continue to cooperate with Baker to find a mutually acceptable political solution. This was as close as the Council could get to endorsing a negotiated solution based on the Framework proposal.

17-After the change of Administrations in Washington and the impasse in the United Nations, Secretary Baker became active once again, this time as an individual believed to carry great influence in the new Administration. He secretly negotiated another proposal with Algeria and the Polisario Front, which he eventually tabled in 2003 as "the Peace Plan." Baker's second proposal was fundamentally different from the

Framework Agreement, had very substantial risks and disadvantages unacceptable for Morocco. Seeking to force action, Secretary Baker strongly urged Morocco to accept the agreement and said it was his position that in the absence of progress the United States should move this issue from Chapter VI to Chapter VII under the UN Charter.

- 18- This new position of Mr. Baker took Morocco by complete surprise. It was entirely different from the position Morocco had agreed to adopt at American urging, to drop the referendum, and move towards a political solution that would protect Morocco's sovereignty in the Sahara while granting the region a broad autonomy.

- 19- Between April of 2003 and September of 2003 Secretary Baker as UN envoy adhered to his new proposal, but the US policy that had been agreed between the United States Government and Morocco remained in force. Given Mr. Baker's great prestige both in New York and in Washington, there was considerable confusion as to whether he spoke for himself only, or for the new Administration.

- 20- In September 2003 King Mohamed VI met with President Bush on the margins of UNGA to discuss both this confusion and the lack of progress in the Sahara dispute. In that meeting, President Bush made clear that Baker did not represent the United States and that only officials of the United States Government spoke for the United States. The President assured the King that the United States remained committed to the agreement that had been struck with the Clinton Administration and reaffirmed that the US would never support anything that would not be accepted by Morocco. The President did tell the King that it was imperative that if Morocco did not accept the Baker proposal, it should produce its own autonomy proposal in order to move matters forward. The President told the King that his foreign policy advisors should work closely with the US to develop an alternative proposal to present to Mr. Baker.

- 21- Subsequent efforts by Morocco to offer amendments to Baker's proposal failed with Mr. Baker, who refused to work on any compromise solutions with Morocco.

- 22- Mr. Baker, understanding that the Bush Administration had now reaffirmed its support for the agreement reached in the Clinton years and therefore adhering to autonomy under Moroccan sovereignty, resigned as Personal Envoy, in the spring of 2004.

23-Morocco was again advised by U.S. officials to move the process forward by developing its own proposal for autonomy under Moroccan sovereignty. In September 2006, The United States once again reiterated in demarches by State Department and NSC officials to the ambassador of Morocco in Washington and by the US embassy in Rabat to the Ministry of Foreign Affairs, that if Morocco could produce a credible plan for a wide autonomy for the Sahara under Moroccan sovereignty and would accept to negotiate with the Polisario, the US would then state publicly that autonomy under Moroccan sovereignty was the only viable solution for the Sahara.

24-Morocco tabled its autonomy proposal at the UN in the spring of 2007. The US termed the proposal "serious and credible" and urged the parties to negotiate a settlement based on its terms.

25-Subsequent to Morocco's proposal being made public, four rounds of negotiations were held under the auspices of UN Special Envoy Van Walsum. Van Walsum then submitted his final statement to the Security Council, concluding that an independent Western Sahara was not an attainable goal. Unfortunately Algeria and the Polisario thereafter refused to meet with him, and he resigned.

26-The USG, as promised, also endorsed in a public statement, at the United Nations, as well as in official communications between the President and King Mohammed VI that "Independence is not a realistic option and that genuine autonomy under Moroccan Sovereignty is the only feasible solution".

The Morocco proposal, requested by the USG, remains on the table and, since the election of President Obama, there has been no public change of US policy, but neither has the new US administration made any statement reiterating the policy adopted by its two predecessors.

For the time being, the USG only supported publicly the UN negotiation process lead by ambassador Chris Ross.

The ambassador of Morocco, in recent meetings with US officials, said that he continues to be convinced that the fact that the US had not reiterated publicly its position is not helping the negotiation process for the following reasons:

- a. It is encouraging Algeria and the Polisario to be even less flexible. The Polisario and Algeria have been very aggressive in their statements against Morocco, but also in their attempts to destabilize Morocco from the inside, mainly in the Sahara

provinces (the only safe and stable area in the whole Sahara from the Atlantic to the Red Sea).

- b. It is instrumentalized by the Algerian press and the Polisario, who, claiming victory, pretend that the United States have changed policy
- c. It had created concerns among many people in Morocco who have the impression that the USG is backing away from the agreements it had struck with Morocco under the Clinton and the Bush Administrations.

The ambassador suggested that President Obama sends a letter to King Mohammed VI, reiterating the American position, i.e. "that independence for Western Sahara is not a realistic option and that genuine autonomy under Moroccan Sovereignty is the only feasible solution". This letter would remain strictly private until the USG and the GOM agree otherwise. Such a letter would reassure Morocco that the agreement with the United States it had accepted under American urging is still in force. It will highly help the negotiations process.