

Western Sahara: can a Trump tweet lead to unlocking the stalemate?

Haizam Amirah-Fernández | Senior Analyst for the Mediterranean and Arab World at the Elcano Royal Institute, Madrid | @HaizamAmirah [Twitter](#)

Isabelle Werenfels | Senior Fellow in the Middle East and Africa Division at Stiftung Wissenschaft und Politik (SWP), Berlin | @iswerenfelsi [Twitter](#)

A previous version of this analysis was published in the [PeaceLab](#) blog.

Theme

The outgoing US President Donald Trump recognised Morocco's sovereignty over the disputed Western Sahara in exchange for Morocco normalising relations with Israel. The new Biden Administration still has to make an unequivocal statement defining its position on the conflict. Meanwhile, several scenarios, risks and opportunities arise.

Summary

Donald Trump's unilateral decision to recognise Morocco's sovereignty over the contested territory of the Western Sahara was a game changer in the decades-long conflict. While inconsistent with international law, paradoxically, it could open up a way for international actors to press Morocco and pro-independence Sahrawis to negotiate a lasting political solution.

Analysis

Few would have imagined that a game changer in the 45-year-old Western Sahara conflict would come in the form of a tweet by an outgoing US President. The dispute over the territory of the former Spanish Sahara had been largely absent from the international agenda prior to 10 December 2020. That day, US President Donald Trump, having lost the re-election one month earlier, issued a presidential proclamation recognising Morocco's sovereignty over the non-self-governing territory. Trump made no secret of the terms of his transaction: Morocco would get its much-sought recognition of its de facto control over the Western Sahara in exchange for Rabat announcing that it would establish full diplomatic relations with the State of Israel. Clearly, that unilateral and unprecedented decision –announced via Twitter– did not have the intention of advancing a lasting solution for the protracted North African conflict, but rather adding one more Arab country to the list of those normalising relations with Israel.

Had Trump been re-elected for a second mandate, there is little doubt he would have tried to consolidate the winner-takes-all endgame for the Western Sahara in favour of Morocco. While President Biden may not fully share his predecessor's analysis, methods and decision, he cannot ignore the new realities. At least four factors can influence an eventual US policy reassessment: (1) the need to uphold international law; (2) the

advance multilateralism; (3) to avoid setting a troubling precedent; and (4) to prevent the destabilisation of the Maghreb, which could have dangerous ramifications in the Western Mediterranean and the African continent.

An unresolved situation might lead to regional destabilisation

The risk of regional destabilisation cannot be neglected. Inflammatory rhetoric between the two major Maghrebi countries, Morocco and Algeria, has been on the rise. For Algiers, the strongest backer of the Polisario Front and Morocco's main strategic rival, alluding to external threats serves to distract from multiple domestic challenges. The Polisario Front, fighting for Sahrawi independence, shows through military pinpricks that it is not willing to accept an imposed solution. MINURSO, designed as a mission to prepare a referendum but not to keep warring parties apart, is in no position to prevent military confrontation, as the past months have shown. Rabat, for its part, appears both emboldened and nervous. It suspended all contacts with the German Embassy, political foundations and other cooperation agencies in Morocco in early March 2021. This is likely a warning shot to ensure that Germany or other European countries do not lean towards the Polisario Front and Algeria, particularly as a new ruling by the European Court of Justice –pertaining to the legality of Moroccan exports from the Western Sahara to the EU– is expected before the end of the year and likely to fundamentally rock relations with Europe.

What may compound Moroccan anxieties is domestic pressure on Biden to reconsider Trump's decision. The most noticeable example was the letter by a bipartisan group of 27 senators to President Biden on 17 February 2021 asking him to reverse his predecessor's 'misguided decision' and 'recommit the United States to the pursuit of a referendum on self-determination for the Sahrawi people of Western Sahara'. According to that broad group of US legislators, 'Morocco's unwillingness to negotiate in good faith has been a consistent theme over the years' and the US should not reward 'decades of bad behavior'.

The fact that some of the leading signatories of the letter have a strong pro-Israel record suggests that the 'Israel factor' might not provide Morocco with as much leverage as many observers initially assumed. In the same vein, the former US Secretary of State and former UN Secretary-General's personal envoy for Western Sahara, James Baker, argued in a *Washington Post* article in mid-December, referring to Trump's decision, that 'The upcoming Biden Administration would do well to rescind this rash and cynical action. Doing so will not undermine the Abraham Accords'. Nevertheless, a certain degree of pressure on President Biden to maintain the recognition can be expected from pro-Israel lobby groups in favour of Morocco.

The way forward for the Biden Administration: three scenarios

At the time of writing, the new US Administration still has to make an unequivocal statement defining its position on the Western Sahara conflict. Three scenarios can be envisaged:

- (1) Biden does it Trump's way: in this rather unlikely scenario, the US would move ahead and fully recognise the 'Moroccanness' of the Western Sahara. It would decide to open a physical Consulate in the territory and expand its Free Trade Agreement with Morocco, in place since 2006, to include the territory and waters of the Western Sahara. It would also encourage other countries to follow suit.
- (2) The US backpedals: in this case, the option chosen by the Biden Administration would be to revert Trump's presidential proclamation and to insist on process-oriented diplomacy in accordance with international law. This not very likely scenario would lead to the return to the status quo ex-ante and prolong the stalemate indefinitely.
- (3) Biden uses the new context to broker a solution: the new US Administration realises that Trump's proclamation is a game changer, but falls short of providing a sustainable solution to the conflict. The different interests and dangers to stability in North Africa prompt the Biden Administration to use the unexpected leverage resulting from Trump's decision to engage with all concerned parties to broker a political solution with robust international guarantees.

International actors have a window of opportunity to push for direct peace negotiations

The current uncertainty for all actors is good news for a renewed UN process towards a negotiated solution, as it will get all parties out of their comfort zones. Yet it requires that key actors –European governments, including Spain and Germany, together with the US Administration and the African Union– push for a number of concrete steps. A sine qua non is filling the position of the personal envoy of the UN Secretary General for Western Sahara –quite a challenge, given obstruction by the parties and limited chances to shine in the position– as well as negotiating a ceasefire.

The main challenge lies in getting the parties to engage in direct negotiations and to soften their positions. Both sides have drawn red lines for years. Morocco has made it clear that it intends to engage in negotiations only if they remain within the framework of granting the territory some sort of autonomy as part of the kingdom, and has insisted on Algeria being part of talks; the Polisario Front demands that a referendum on independence must remain an option.

On the Sahrawi side, a number of factors may propel the Polisario Front to consider what a solution short of full independence could look like. These include the accumulation of recent diplomatic setbacks, such as the opening of numerous African and other consulates in the Moroccan-controlled Western Sahara. Also, an international consensus that autonomy is the most realistic solution has grown stronger over the years. A recent example was the [statement](#) made by the German Ambassador in Rabat, who said that the autonomy proposal presented by Morocco remained the most 'realistic and reliable solution' to the dispute.

A compromise for autonomy for the Western Sahara must be accepted by all actors

Against the backdrop of autonomy, international actors may view the Polisario Front as the main obstacle to a political settlement. Yet a solution aiming at guaranteeing true self-governance for the Sahrawis would come with a substantial price tag for Rabat as

well. For one, it may raise demands for self-governance in other Moroccan regions, namely the Rif in the north of the country. Secondly, and importantly, Sahrawi self-governance would test the Moroccan monarchy's capacity to let go of its strongly centralised grip. Autonomy that deserves its name would imply that Sahrawis democratically choose their future executive without interference by the monarchy, even if the King remains the formal head of the territory.

Given the large number of Moroccans that have settled in the region, mechanisms for ensuring adequate Sahrawi political representation would be necessary. Autonomy would also require granting a substantial degree of control to the region's executive over revenues from natural resources in the Western Sahara. Furthermore, to ensure the legitimacy of any final status arrangement, a referendum is vital to fulfil the legal requirement for self-determination. Last but not least, robust international guarantees for supervising the implementation of the agreement are indispensable if the Polisario Front is to be persuaded into accepting anything other than independent statehood.

The EU should use its leverage to persuade Morocco to a negotiated solution

Hence, the question is how to get Morocco to stand by its word on autonomy and negotiate a final status for the Western Sahara in a way that it is acceptable and trustworthy for the other party. A common push by key Security Council players –the US, France and Russia– as well as Algeria is essential. For example, including a human rights-monitoring mechanism in the mandate of MINURSO, applicable both in the disputed territory and in the Sahrawi camps in Tindouf, would draw more international attention to eventual human rights violations by both parties. This would demonstrate that the Security Council is determined to raise the cost of inaction for any party not ready to move forward.

The EU too may gain new leverage should the European Court of Justice's ruling expected for later in 2021 imply renegotiating economic ties with Morocco. Given Morocco's determination to play hardball when it comes to the Western Sahara, European countries that have long considered it beneficial to keep the status quo may face an uncomfortable trade-off: pay the price of temporarily rocky relations with Morocco in order to reach a lasting solution to a conflict that presents a threat to stability in the EU's southern neighbourhood.

The US holds the trump card to advance towards a solution

But it is the Biden Administration that is in the strongest position to persuade all parties to negotiate in good faith towards reaching a mutually acceptable solution: it can make clear that, if the parties fail to do so within a certain time period, the US will withdraw its recognition of Morocco's sovereignty over the Western Sahara. A return to the old status quo would be a major setback for Morocco, and at the same time it would not help advance the cause of the Sahrawis to have a dignified life in the land of their ancestors.

Conclusions

Trump's decision in December 2020 to recognise Morocco's sovereignty over the contested territory of the Western Sahara has put this protracted conflict back in the spotlight. The new US Administration has not yet made an unequivocal statement defining its position on this conflict and on Trump's proclamation. Biden may well realise that his predecessor's move is a game changer, but falls short of providing a sustainable solution to the conflict.

The different interests and dangers to stability in North Africa should prompt the Biden Administration to use the unexpected leverage resulting from Trump's decision to engage with all concerned parties to negotiate a political settlement. This new context should also generate international leverage to broker a credible solution with robust guarantees for all the parties to the conflict.

European countries are aware that the EU's southern neighbourhood is facing growing sources of instability, the consequences of which could be dramatic and very costly for Europe in long term. Countries that have long considered it beneficial to keep the status quo in the Western Sahara are well advised to reassess their positions and coordinate efforts to advance a lasting solution to the conflict, even if the road leading there could seem diplomatically rocky in the short term.