

MOROCCAN SAHARA

Illusions and Realities
about the conflict

Guide for an effective advocacy



September 2019

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2nd Edition
Edited and revised
September 2019



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For an Accurate Understanding and Deep Knowledge

There are many illusions and fallacies that hinder the accurate understanding and right awareness about the regional conflict over the Moroccan Sahara. Yet, the history and chronology of the conflict is full of proofs of the plots hatched by enemies of Morocco's territorial integrity. These proofs can also serve to deconstruct and uncover the contradictions of the discourse hostile to the Moroccan sovereignty over the Sahara.

The present paper aims to debunk fifteen illusions surrounding the nature of this conflict throughout history. The goal is to cast a light on these fallacies through presenting historical and geographic realities supported by ensuing economic and political developments and confirmed by efforts to put the Sahara on track to become an economic development hub and a source of stability and security in the Sahel-Saharan region.

I would like to thank Mr. Saad Loudiyi, Mr. Mohamed Aswab and Mr. Ali Elahi for their valuable contribution without whom this book wouldn't have existed. I would also like to thank Mr. Mohamed Mouad CHAHBANE for his contribution in translating some parts of this book.

Civil advocacy for Moroccan Sahara

Methodological and practical determinants

Civil advocacy is divided into five determinants. In this introduction, we state the major elements, with the aim to achieve the highest degree of effectiveness, efficiency and influence.

The first determinant: determining the meaning of advocacy: What is civil advocacy?

The practical definition of advocacy is based on the following points:

- The total of civil initiatives aimed at building a pro-supportive attitude towards the recipient and taking decisions by members of committees and bodies targeted by advocacy;
- Initiatives based on scientific and documented data, on irrefutable and conclusive arguments, as well as on concrete indicators and historical documents;
- Initiatives that refute the arguments of the adversary and the other party, employs comparative techniques, counter-evidence, contradiction detection and the fragility of the hostile proposition;
- Initiatives based on the testimonies and attitudes of parties of neutral personalities and bodies that are not challenged in their independence;
- The aforementioned should be delivered in a clear, simple and realistic language without propaganda and with practical conclusions;
- Respecting the ethics of advocacy, especially credibility, integrity,

accuracy and without falling in propaganda;

- Which employ the skills of debate, dialogue, advocacy and persuasion;

It is therefore different from the processes of instructions, awareness, sensitization, training and others, although their output are made out of its contents;

The second determinant: assimilating the changes of the advocacy scene

Succeeding in the advocacy on the national case requires an assimilation of the changes in the advocacy scene, among the indicators:

1. Increased awareness of the need to develop a civil action on the national case, in the light of the qualitative development of civil society engaged in the national case and supported thanks to the academic and research action;
2. The emergence of a new discourse characterized by misleading statements and promoting illusions to obtain positions from international and continental institutions and actors against the territorial integrity;
- 3- Expansion and growth of advocacy platforms related to the national case, due to the multiplicity of international, continental, national and civil communication initiatives between civil actors from the United Nations and international forums to a sovereign fund subject to the recommendations of an Ethics Committee;
4. The openness and breadth of Morocco's interaction with international and continental mechanisms with national will, which opens the way for advocacy;
5. The significant role of social networks, satellite channels and

audio-visual platforms in providing new spaces for advocacy;

The third determinant: conditions of an effective advocacy:

Among these conditions:

- Scientific training besides legal, historical and field knowledge;
- Controlling the mechanisms of legal and judicial institutions, as there are specific dates and formalities to be respected and a certain wording must be adopted and accepted standards as well as the dominance of the English language;
- Adopting strategic planning in multi-dimensional advocacy: the legal, historical and legitimate dimension, as well as media, political, social, psychological and artistic dimension;
- Regular monitoring and effective vigilance of attitudes and actors to respond and stabilize attitudes and permanent attendance;
- Continuous training in advocacy and digital communication techniques;
- Facilitate networking opportunities and build effective alliances in support of the national situation;

The fourth determinant: working according to a clear vision based on achieving specific results according to accurate indicators

The progress and effectiveness of the advocacy require evoking the desired results according to indicators such as:

- Adopting a supportive position by international and civilian actors abroad, a position involved in supporting the national position on the Moroccan Sahara issue and the continuous

expansion of the supporters of the national case;

- The effectiveness of arguments against territorial and national integrity should be nullified;
- Ensuring the continuity of the Green March spirit and raise awareness on the National case to the new generations;
- Deepen the scientific and accurate knowledge of the various historical, political, legal, developmental and international aspects of the national case via the pertinent actors;

The fifth determinant: the systematic distinction and its tools

Effective advocacy requires a distinction between its tools and their complementary combination:

- Platform advocacy;
- Digital advocacy;
- Artistic advocacy;
- Academic advocacy;
- Media advocacy.

Conclusion

These are five determinants that we state in the introduction of this guide, in order to invest its contents in advocative projects and initiatives.

I. First illusion: “The Sahara region is the last colony in Africa”

This is a big illusion cleared by history, law and reality. The Sahara has been liberated since the end of Spanish colonialism.

Legal proofs

1. At the request of Morocco in 1963, a decade before the creation of the Polisario and before any separatist claim, the United Nations classified the Sahara region in the category of non-autonomous territories¹. During this period, it was colonized by Spain. Today, it is indeed a liberated territory after the departure of the Spanish colonizer.
2. The territory of the Sahara was not a terra nullius during its colonization by Spain in 1884. In its advisory opinion of 16 October 1975, the International Court of Justice stated that Oued Eddahab and Sakia El Hamra were not a terra nullius at the time of its colonization by Spain”. This advisory opinion stated that “the materials and information presented to the Court show the existence, at the time of the Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some tribes living in the territory of the Western Sahara”². Morocco organized the Green March to retrieve its southern provinces from the Spanish colonization after the issuance of this advisory opinion, which confirmed the Moroccan sovereignty over the Sahara.

1- Resolution N° A/5514 (Third annex)

2- The full text of the advisory opinion of the International Court of Justice on the Moroccan Sahara issue on this link: <http://www.icj-cij.org/docket/files/61/6196.pdf>

3. Morocco did not take back its Sahara militarily, but rather through a long path that began since its independence and was confirmed by the historic speech of HM King Mohammed V in M'Hamid Al Ghizlan in 1958, and by a resolution of the United Nations through the decolonization committee of the UN General Assembly and the International Court of Justice, (14 November 1975), which calls for the withdrawal of Spain from the Sahara, following a peaceful march and UN Security Council Resolution N° 690 (April 29, 1991). The UN body sent a UN mission known as MINURSO with the main mission of organizing a referendum in the Sahara.

The issue of the Moroccan Sahara at the United Nations is not dealt with under chapter VII, which concerns actions taken in cases of threats to the peace, breaches of the peace and acts of aggression. In this case, the Security Council takes the necessary decisions without waiting for the agreement of the parties to resort to the use of armed force. This issue is rather dealt within the framework of Chapter 6, which enables the pacific settlement of disputes and which is in accordance with article 33 of negotiations, conciliation, mediation and settlement. The work of the Fourth Committee (the Decolonization Committee) has no legal effect since Article 12 of the United Nations Charter states that while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

4. Since 1975, more than 65 resolutions of the UN Security Council on the Sahara conflict, 120 reports of the UN Secretary General and all the legal consultations by the UN on the matter have never called Morocco an occupying power, nor the Sahara a colony. The only colonization known in this territory was the Spanish colonization for about 90 years. Furthermore, the United Nations stressed that Morocco is the administrative authority in the Sahara region by virtue of the report of the UN Secretary General of 23 May 2003³, which states, in paragraph 38, that “(...) In early 2001, my personal envoy was able to determine that Morocco, as the administrative power in Western Sahara, was prepared to support a draft framework agreement on the status of Western Sahara, which envisaged a devolution of authority to the inhabitants of the territory (...)”. However, Morocco is not only an administrative power, it practices its sovereignty on its territories, since the Moroccan sovereignty over the Sahara has been a historical, legitimate and legal fact on the ground.
5. The concept of “colonial power” was defined in The Hague Convention of 1907 and the fourth Geneva Convention of August 12, 1949, as the occupation of territories of a state that exists during an international armed conflict. This definition does not in any way apply to the case of the Moroccan Sahara⁴.
6. The international agreements between Morocco and the great powers in the late 19th century are sufficient to refute the falsehoods contesting Sahara’s belonging to

3- Report of UN Secretary General of 23 May 2003 on the situation of the Western Sahara, S/2003/565, Paragraph 38

4- «The issue of the Moroccan Sahara: Frequently Asked Questions», a document prepared by the Ministry of Foreign Affairs and Cooperation, November 2015.

Morocco. There are 12 international agreements which do not exclude the Sahara from their scope. Some agreements even held Morocco responsible for any possible attack that could be sustained by other States Parties from the Sahara⁵, notably two agreements signed with the United States of America in 1786 and 1836, in addition to five agreements concluded with Britain in 1791, 1801, 1824, 1856 and 1895. Concerning Spain, and well before the latter colonized the Sahara in 1884, there were two agreements in 1799 and 1861. Two agreements were also concluded with France, including the “Lalla Maghniyya” Agreement in 1845 and another agreement in January 1910. These 12 strategic agreements between Morocco and the great powers of that epoch, consolidated by a series of sub-agreements, show that Morocco was the sovereign, administrative and political party negotiating the fate of the southern provinces. Moreover, there is the Treaty of Madrid in 1880, which recognized Moroccan sovereignty, in addition to the Treaty of Algeciras in 1906 which affirmed the unity of the country⁶, and the Sintra Treaty concluded between Spain and Portugal, which confirms that the Moroccan authority goes beyond Cape Boujdour. Through these treaties and historical documents it becomes clear that “before Spain considered the colonization of the Moroccan Sahara, these areas were part of the Kingdom of Morocco and its inhabitants owed allegiance to the kings of Morocco at a time when Spain itself had no entity as a state. When Spain colonized Dakhla, the sultans of Morocco were the legitimate owners of the land and were exercising their sovereignty over the Sahara region, including in Ifni,

5- «International legal aspects of the Moroccan Sahara», Dr. Abdelfadil Aqandil, Arrisala Printing House. Rabat 2006, P. 96.

6- «Moroccan Sahara through Royal Documents», Section I, Part I, II and III, supervised and presented by Bahija Simo, Publications of the Directorate of Royal Documents 2012

Tarfaya, Sakiat Al Hamra and Oued Eddahab. The presence of Spain in Dakhla was not different from its presence in Sebta and Melilla or from the English presence in Tarfaya from 1879 to 1895. So when Morocco was demanding the recovery of its Sahara territories, it was not asking for a weird thing, but it was only demanding something that he owns.

7. On June 27, 1900, France and Spain signed a treaty on the Moroccan Sahara territories. Spain was fortunate to have a coastal piece stretching from Cap Blanc in the south to Cape Bojador in the north, which is known as the Oued Eddahab region. Hence, we can ask the following question: Why did France and Spain make of Boujdour the northern limit? The answer is clear: France and Spain were aware that Great Britain had recognized the Moroccan sovereignty over the land south of Cape Joubi in its treaty with Morocco on 13 March 1895.
8. The Spanish colonial presence in the Moroccan Sahara was a symbolic and significant presence. The real occupation did not take effect until after the 1930s. Spain sought to make Morocco renounce its Sahara in the 1900 negotiations following its failure in its negotiations with France in June 1900. Later on, Spain extended its colonized territories to include Boujdour, Ifni and Sakiat Al Hamra region. On the other hand, we must not forget that Spain itself recognized the Moroccan sovereignty over the territory stretching from Cape Juby to Cape Bojador in the Marrakech Protocol (June 20, 1900), just seven days before the Treaty of Paris of 27 June 1900.

Historical proofs

9. There is a misconception about the history of the Moroccan Sahara whose structures of the Sanhaja tribes, the Arab Maaqil tribes and the African Sub-Saharan constituent merged to form the ethnic, cultural and social fabric that is common to Morocco as a whole. Historical sources on the region⁷ from the middle ages to the writings of pre-protectorate era such as Al Bakri, Ibn Oudari, Ibn Khaldoun, Al Nasiri, Sheikh Maa al Ainaine which highlight the deep rootedness of the Sahara with the rest of Morocco. This region has always been the geographic and natural depth of Morocco besides strong tribal connections and shared language.
10. More than 50 letters and documents dating back to the period 1692-1910 indicating the continuous allegiance of Saharan tribes to the Alaouite monarchs⁸. These documents are proof that the Saharan tribes were renewing allegiance and that the monarchs have been overseeing conditions in the Sahara and securing trade routes. Some of these documents include letters through which Saharan notables request assistance and protection from the monarchs against potential foreign aggressions. The Monarchs also used to intervene to reconcile tribes. Some of these letters express the refusal of the notables of the region to deal with foreign powers on grounds of their loyalty to the Moroccan state.

7- «The autonomy in our southern provinces- Historical foundations», Prof. Majida Karimi, Fez Printing House 2010

8- Moroccan Sahara through Royal Documents», Section I, Part I, II and III, supervised and presented by Bahija Simo, Publications of the Directorate of Royal Documents 2012

- 11.** More than 99 of these documents are Royal decrees dating from the period spanning from 1692 to 1911. These decrees prove the practice of national sovereignty through the appointment of local officials and judges in different Saharan provinces⁹. These documents show the particular attention attached by the Alaouite monarchs to the conditions of the Saharan population by appointing local officials from the Saharan tribes. Some of these documents indicate that the Sahara was part of the judicial jurisdictions of Marrakech.
- 12.** Some of the historical proofs of the Moroccan sovereignty over the Sahara are also manifested in the Saharan resistance of colonialism¹⁰ during epic battles such as Nimlan (November 5, 1906), kejoujt (March 16, 1908), Daman (April 7, 1908), Second kejoujt (May 21, 1908), Ignint Al Tikwit (May 22, 1908), Kharoufa (June 1907), Al Minan (June 1908), Al Ghizlane (1908), Rachid (August 16, 1908), letftar (October 15, 1908), Tanchbih (1908), Amatil (between December 30, 1908 and January 2, 1909), Hamdoun (January 8, 1909), Aghsermt (April 28, 1909), Sidi Bouathman in northern Marrakech (1912), Libirat (January 10, 1913), Kholjan (1910), al kalib (March 9-10-11, 1913), Al Hofra (September 28, 1913), Agwaya (November 28, 1923), Second Hofra (October 23, 1924), Atarifia (April 2-5, 1925), Al masdoura (1927), Gazi Toujnin (September 1931), Gazi Soudan (April 1932) and Om Tounsi (August 18, 1932).

9- Moroccan Sahara through Royal Documents», Section I, Part I, II and III, supervised and presented by Bahija Simo, Publications of the Directorate of Royal Documents 2012

10- «Maalamat Al Maghrib», sections 26 and 27 on the Moroccan Sahara, prepared by the Moroccan Association for Translation, Publication and Edition. Edited by Brahim Boutalib, Mohammad Zarif, Mohamed Dahmane, Nouredine Belhaddad, Maouelainin Niima Ali, Moulay Idriss Shaddad, 2014. Rabat, Dar Aman

13. For the aforementioned reasons, Spain could not impose its hegemony in the Sahara until 1934 because of the strong Moroccan resistance¹¹ and the fierce Moroccan Jihad. This resistance was posing a danger not only to Spain but also to France, because it reached Marrakech. Thus, the Sahara played a key role in the Moroccan resistance. The most notable example of this resistance is the battle of Sidi Bouatmane which took place north of Marrakech in 1912. In this regards, it was inconceivable that tens of thousands from different Sahran tribes left their families to travel long distances for the sake of confronting French forces in the battle of Sidi Bouatmane if they did not believe in their belonging to Morocco which was facing a French invasion. Hundreds of martyrs gave their lives and their tombs are attesting to their sacrifices today.

14. The symbiosis between the sons of the north and the south of Morocco was repeatedly evidenced during the period 1956-1958 when the northerners responded to the call of resistance in the south during the war of liberation joining epic battles such a Fom Al Achar (July 1956), Mergala (August 1956), Zemoul (October 30, 1956), Second Zemoul (January 1957), Rghiwa (February 1957), Agli n Tawokt (November 17, 1956), Sowihat (December 28, 1956), Samara (January 1957), Acht (March 16, 1957), Aouserd (September 1957), Tasalba (November 25, 1957), Chatiie (November 26, 1957), Akrrat Ahl Brihmat (November 27, 1957), Boujdour (November 27, 1957), Tariq (November 28, 1957), Al Ayoune I (December 17, 1957), Lemsid (December 22, 1957), Asder (1957), Ghardki (1957), Oued Safa (late 1957), Al Ayoune II (January 11, 1958), Dcheira

11- «International legal aspects of the Moroccan Sahara», Dr. Abdelfadil Aqandil, Arrisala Printing House. Rabat 2006, P. 22-23.

(January 13, 1958), Tafoudrart (February 1, 1958), Tariq Sedra (February 9, 1958), Orkan (February 10, 1958), Bir Anzarane (February 23, 1958), Aknidlf (December 15, 1958), in addition to the battle of Azaghar and Aglo in Souss¹²

15. According to a Sociological study conducted by sociologist Mohamed Cherkaoui¹³, director of the national center for scientific research in Paris on the best indicator to measure social integration, marital links are the strongest indicator. Through an analysis of official marriage records since the beginning of 1960 until 2006, he found that marrying between Saharans and the rest of the Moroccan population is rising gradually. The results of this survey show that since the 1960s until now, the percentage of marriage between the same population group decreased from 97% to 55%, which explains the expansion of marriage between families from different Moroccan regions.
16. Some of the historical proofs about the belonging of the Sahara to Morocco lie in the social factors resulting from the Maliki doctrine that unifies the north of Morocco with its south since the tenth century¹⁴.
17. The Ulema (Muslim scholars) of the Sahara have been in touch with the rest of Ulema from other Moroccan regions

12- «Maalamat Al Maghrib», prepared by the Moroccan Association for Translation, Publication and Edition. 1989

13- Mohamed Cherkaoui, « Le Sahara liens sociaux et enjeux géostratégiques », The Bardwell press, Oxford, 2007, P. 137-159.

14- «Jouhoud Ouloumaa Al Qarawiyyin Fi khidmat Al Madhib Al Maliki: Assala wa Imtidad», papers of the International Scientific Symposium organized by Darass Ben Smail Center to reconcile the doctrine and attitude of the Mohamedian League of Religious Scholars. Fez, April 21-23, 2011. P. 131-168.

in an interaction that further reflects the religious unity. This was especially the case with the Ulema of Fez whose ties with the Ulema of the Sahara were registered in travel literature such the trip to the Hijaz by Mohamed Yahya Al Wilati and the trip of Abi Abdullah Mohamed Lamine Al Sahrawi and others¹⁵.

18. The scholars of the Sahara were throughout history advocates of unity, contributing to unifying the north of Morocco with its south and strengthening the ties of allegiance in the Sahara through Suffi Zawyas¹⁶.

Political Proofs

19. The colonial plot that targeted Morocco since the battle of Isli against France, which sparked on grounds of Morocco's support for the Algerian resistance to French colonialism in the mid-1940s. The outcome of this battle was the division of Morocco between French and Spain, where the first power took the middle, while the second took the north and the south. Tangier fell to the status of an international protectorate under the supervision of 12 foreign powers. This division was followed by colonial dominance over Morocco whose eastern territories were

15- «Al Wahda Attourabiya Min khilal Al-Alaiq Al-Ilmiya Bayn Hawadir Al-Maghribiya Wa Imtidadatiha Assahrwaiya: Sheikh Mohamed Yahya Anmoudajan», Dr. Hassan Hamitou. This study was published at the scientific magazine «Miraat Tourat», issued by the Center for Studies, Research and Heritage Promotion at the Mohammedian League of Religious Scholars. Fourth issue. February 2015. Page 12-29

16- Al Wahda Attourabiya Min khilal Al-Alaiq Al-Ilmiya Bayn Hawadir Al-Maghribiya Wa Imtidadatiha Assahrwaiya: Sheikh Mohamed Yahya Anmoudajan», Dr. Hassan Hamitou. This study was published at the scientific magazine «Miraat Tourat», issued by the Center for Studies, Research and Heritage Promotion at the Mohammedian League of Religious Scholars. Fourth issue. February 2015. Page 23-24

gradually amputated whether in the Sahara, the South or the Rif. Morocco entered into negotiations in phases in order to retrieve all its territories in full accordance with the principles and goals of the UN Charter. Thus, Morocco could retrieve the largest swathes of its territories in 1956. Following the same approach, Morocco retrieved the Saharan areas under the Spanish occupation including Tarfaya in 1958, Sidi Ifni in 1969 by virtue of the Agreements of Sintra and Fez. The retrieval and liberation of the Moroccan Sahara was achieved later in 1975.

20. One of the contradictions of the conflict over the Moroccan sovereignty over the Sahara which proves that this is a regional fabricated conflict is that it does not show the characteristics that distinguish ethnic conflicts in which several groups fight for their right to self-determination. In the case of the Sahara conflict, the parties do not have distinctive features that distinguish it from other southern Moroccan regions¹⁷.

21. If the Sahara was “the last colony in Africa” as the adversaries of Morocco often purport, then why 53 countries out of 83 which used to recognize the self-proclaimed republic by the Polisario have either withdrawn or frozen their recognition until June 2019? That’s a regression of the total number of the countries who recognize the self-proclaimed republic to 30 out of 193 states members in the UN, noting that 42 countries out of 51 have withdrawn their recognition of the Polisario between 2000 and 2019, that is 82% of recognition withdrawal. These 53 countries include Equatorial Guinea (1980), Solomon Islands (1989),

17- « Not another failed state : Toward a realistic solution in the Western Sahara », J. Peter Pham, Journal of the Middle East and Africa, 10 April 2010, P. 3.

Sao Tome and Principe (1996), Republic of the Congo (1996), Burkina Faso (1996), Peru (1996), Benin (1997), Liberia (1997), Swaziland (1997), Togo (1997), Nauru (2000), Kiribati (2000), Tuvalu (2000), Costa Rica (2000), Colombia (2000), India (2000), Dominican Republic (2002), Afghanistan (2002), Sierra Leone (2003), Albania (2004), Serbia (2004), Montenegro (2004), Madagascar (2005), Chad (2006), Kenya (2006), Cape Verde (2007), Seychelles (2008), Vanuatu (2008), Uruguay (2008), Malawi (2008), Iran (2009), Burundi (2010), Guinea Bissau (2010), Grenada (2010), Dominica (2010), Saint Louis (2010), Saint Kitts and Nevis (2010), Antigua and Barbuda (2010), Zambia (2011), Libya (2012), Mali (2013), Paraguay (2013), Saint Vincent and the Grenadines (2013), Haiti (2013), Rwanda (2015), Surinam (2016) and Zambia which announced in 2016 its decision to withdraw the recognition and confirmed its intention in 2018. The same goes for the Republic of South Sudan, which withdrew its recognition of the SADR. Indeed, Foreign Minister of the Republic of South Sudan Nhial Deng Nhial said on Sep. 28, 2018, in New York that his country does not recognize the existence of the SADR, adding that President Salva Kiir Mayardit had sent a letter to HM King Mohammed VI on this matter. On June. 15, 2019, Salvador has decided to withdraw its recognition of the self-proclaimed republic and to support the territorial integrity of the Kingdom, lately the Government of Barbados has withdrawn its recognition of the self-proclaimed republic on June. 21, 2019.

22. There are 17 Africa countries that have never recognized this entity because it lacks legal requirements. 22 other African countries have either withdrawn or frozen their recognition, which means that illusory republic of the

polisario is only recognized by less than the fourth of the members of the African Union.

- 23.** Algeria is to blame for creating and perpetuating the conflict over the Moroccan Sahara because it is a direct party. In February 2002, when the Secretary General of the UN announced in his report that Algeria prefers the partition of the Sahara and rejects the framework agreement that the Personal Envoy of the UN Secretary General James Baker proposed in 2001. The report issued on May 23, 2003, also pointed out to the strong reservations expressed by the Algerian government and the unwillingness of the polisario front to consider the framework agreement. The report also mentioned the Algerian proposal to partition the Moroccan Sahara. A proposal that is also endorsed by the Polisario. The Algerian position stands in opposition to the autonomy proposal of June 2001. Algeria sent a message that was included in the second annex of the report of the UN Security General to the Security Council June 20, 2001, in which it expresses open and strong rejection of the autonomy proposal. This are examples have been recurrent since the early 1970s during the war era until today showing Algeria's involvement and its attempts to undermine Morocco's territorial integrity as well as its campaign against Morocco in international forums, the latest of which is the speech of its foreign minister on March 7, 2016 a meeting of the Human Rights Council in Geneva.

II. Second illusion: “The population of the Sahara is excluded from the management of the affairs and resources of the region”

It is a misleading illusion as the population of the Sahara manages their affairs through their representatives in Parliament and their elected bodies as part of the advanced regionalization

24. The Moroccan parliament has 37 elected Moroccan Sahrawis from the three Saharan regions (21 members at the House of Representatives and 12 members at the House of Advisers, in addition to 4 representatives for professional bodies and wage earners). These representatives represent the regions of Layoune Saqia Hamra, Dakhla Oued Eddeheb and Guelmim-Oued Noun. There are also 1,340 local consultants in 86 communes in the three regions who were elected during the local and regional elections on September 4, 2015. In addition to that, there also 116 members in the councils of prefectures and provinces and 111 members in the councils of the three regions .
25. The regional and local elections of September 4, 2015, saw voter turnout reach a high percentage of 79% in the Southern Provinces compared to the national average 53.7%.
26. Turnout in the Southern Provinces at the legislative elections of Oct 7, 2016, was higher than the ones recorded in the other Moroccan regions. The highest turnout was recorded in the Oussard region with 76.71%, followed

by the provinces of Tarfaya (75.94%), Asa Zag (66.07%), Boujdour (64.30%), Smara (62%), Laayoune (57.21%), Sidi Ifni (51.24%), Tan-Tan (49%) and Guelmim (43.57%), while national turnout has reached 43%.

27. All presidents and members of regional and local councils in the Sahara are from this region, which reinforces the management by the Saharawis of their local affairs, in full compliance with United Nations standards related to self-determination.
28. Besides elected bodies, the Royal Consultative Council for Saharan Affairs was established to consolidate consultation and give access to citizens to submit proposals in all issues relating to the territorial integrity of Morocco, as well as the economic, social and cultural development of our southern provinces.
29. The regional human rights committees led by local Moroccan Saharan activists are playing a leading role in mediation and promoting and protecting human rights through treating complaints and supervising the implementation of the recommendations of the Equity and Reconciliation committee whose work was acclaimed by the international community. The new law on the reorganization of the National Human Rights Council published on March 1, 2018, provides for the establishment of a national mechanism for the prevention of torture, and underlines that the regional commissions exercise the powers of the Council at the regional level.
30. Regular population and housing census operations have been conducted in the three Sahara regions (1982, 1994, 2004 and 2014), in accordance with international

standards. According to the results of the National Population and Housing Census for the year 2014, the number of inhabitants of Laayoune-Sakia El Hamra Region was 366,981 (342,683 in the urban area and 24.298 in the rural area), 142,067 in the region of Dakhla-Oued Eddahab (105,724 in urban areas, and 36,343 in rural areas), in addition to 433.410 people in the region of Guelmim-Oued Noun (279.816 in the urban center and 153.594 in rural areas).

III. Third illusion: “Sahara Resources are looted in violation of the international law”

This is a fallacious illusion, as the Sahara resources are invested under the responsibility of the population of the Sahara and with their participation.

31. Hans Corell, Legal Counsel of the UN Secretary General affirmed in his 2002 opinion the possibility of exploring natural resources by the administrative authority of the region¹⁸ Indeed, this condition is fulfilled by Morocco since it is the administrative authority in the Sahara. As such, the UN Secretary General described, in his report of 23 May 2003, Morocco as the “administrative power in Western Sahara”¹⁹. The report also confirms that Morocco is not an administrative power but rather practices its sovereignty on a part of its territories.
32. This legal consultation showed to the UN Secretary General that the agreements signed by Morocco for the prospection off the coasts of its southern provinces are not illegal²⁰.
33. Morocco exercises its sovereignty over its territory and acts in accordance with international law which stipulates the management of natural resources under the responsibility of the local population and with their participation. This

18- Letter addressed by Hans Corell, Legal Counsel of the UN Secretary General to the Security Council on 29 January 2002, N° S/2002/161.

19- Report of the UN Secretary General of 23 May 2003 on the la situation concerning the Western Sahara, S/2003/565, Paragraph 38

20- Paragraph 25 of Hans Corell's letter

is exactly what is done in the Moroccan Sahara through a broad structure of elected bodies at national and local levels, which include, following the 2016 legislative elections, 37 MPs from the three Saharan regions and 1,340 local councilors at 86 communes in addition to 116 members in the councils of prefectures and provinces as well as 111 members in the councils of the three regions.

34. As part of the implementation of the advanced regionalization, adopted by Morocco to strengthen local democracy, more extended powers were granted to the regions, especially in the management of local natural resources and investment and development projects:

- Organic Law 14-111 on regions endows these regions with autonomous powers, besides those they share with the State and those transferred by the State. The autonomous powers mainly concern planning, regional development, the promotion of economic activities, including business support, tourism promotion, establishment of economic, social, cultural and environmental zones;
- The Organic Law on regions stipulates that the State shall guarantee the sufficient and sustainable financial resources to the regions to enable them fully exercise their autonomous powers, and accompany any devolution of powers with adequate resources;
- The regions benefit from a share of the revenues generated from the corporate tax, the income tax, the value added tax, plus a portion of the revenues from the tax on insurance contracts, insurance fees, stamp taxes and road tax revenues;

- By virtue of the reform of the legal framework of the regions, the president of the region has become the authorizing officer of the region's budget. In addition, the organic law on the regions provides for the activation of the Social Qualification Fund and the Solidarity Fund between regions that are intended to reduce regional disparities and the deficit in development and infrastructure.

35. Assuming that Morocco plunders the natural resources of the Sahara, as claimed by the enemies of the territorial integrity of the Kingdom, how could they explain the fact that the US Congress decided, in its 2014 Finance Act, to expand the aid provided to Morocco by the United States of America, under the "USAID" program, to include projects carried out by Morocco in the Moroccan Sahara? What about the fisheries agreement between Morocco and the European Union which also includes the Saharan provinces of the Kingdom?

36. The European Commission confirmed, in March 2015, that the partnership agreement between Morocco and the EU in the fisheries sector is "in full compliance with international law and apply like any other EU agreement in the Sahara region". As such, Enrico Brivio, European Commissioner Spokesman for Environment, Maritime Affairs and Fisheries, said that the detailed reports on Morocco's obligations in the use of the sectoral support of the European Commission ensure that the fisheries protocol serves the interests of the entire local population, including those in the Sahara region. The new decision adopted by the European Commission (2018/5) supports Morocco and the European Union's reading of

the European Court of Justice's ruling of February 27, 2018, which confirmed that the EU-Morocco fisheries agreement is still in force and that nothing is opposed to its implementation in the waters of Morocco's southern provinces.

37. The adoption of the European Parliament's Committee on Foreign Affairs (November 21, 2018), by a large majority, of the agriculture agreement between Morocco and the European Union marks the end of fallacious allegations circulated by the separatists on the exploitation of natural resources. The vote confirms that the EU's committees, not just bodies or governments, reject these allegations. Moreover, several European officials hailed efforts made by Morocco to enable southern provinces' population benefit from natural resources and to develop a genuine development model in the Sahara region.
38. The European Parliament's vote on 12 February 2019 for the adoption of the new Fisheries Agreement on Sustainable Fisheries Partnership between Morocco and the European Union by a large majority (70 % in favor), clearly answers the questions raised by the European Court and explains that the inclusion of the southern provinces of the Kingdom within this Agreement is unequivocal that no partnership with Morocco can be envisaged except in respect of its territorial integrity. The report which was done by the European Union in the past four years has objectively demonstrated the positive impact of the agreement on the population of the southern provinces. It is a testimony to the Kingdom of Morocco's commitments to develop its southern regions. This four-years agreement covers the fishing zone stretching from Cape Spartel to the White Cape, in the south of the Kingdom.

- 39.** In her comment on the decision of the European Court of Justice of 10 December 2015 relating to the Morocco-EU agricultural agreement, the EU's Higher Representative for Foreign Affairs and Security Policy Federica Mogherini affirmed that this decision shows that there is no provision in the international law that prevents the ratification of trade agreements or else with Morocco even those that can affect the Sahara region.
- 40.** The propaganda machine of Morocco's enemies always mention the "Phosboucraâ" phosphates mine located in the Sahara as a model of the looting of the Sahara resources. Concerning this point, it should be noted that the reserves of this mine represent only 1.64% of national reserves in this field²¹. This mine is kept operational due to its social impact on the region, since it employs 1,900 people, in addition to the contribution of the investments made by the company operating the mine for the local population, estimated at around 250 million dollars between 1976 and 2011²². The only looting is the one conducted by Polisario in Tindouf camps. Indeed, several international reports revealed the embezzlement of the humanitarian aid destined to the population in Tindouf camps.
- 41.** The report of the European Anti-Fraud Office (OLAF), carried out between 2003 and 2007 and published in 2015 on the food aid provided by the EU and its Member States to the people in Tindouf camps, southwestern Algeria, revealed large-scale embezzlement of this aid for many years by Algeria and Polisario. The report also revealed that much

21- «Phosboucraâ: Invest in the future of phosphates in the Sahara region», report of the Sherifian Office of phosphates, January 2013.
http://www.ocpgroup.ma/sites/default/files/filiales/document/presentation_phosboucraa_fr.pdf

22- According to the conclusions of a neutral report by the «Potash corp» agency, in April 2011 on the situation of Phosboucraâ mine. file:///C:/Users/user/Downloads/POT_Western_Sahara_11-2015.pdf

of the international humanitarian aid to Tindouf camps is embezzled in an organized way and only the amounts needed for the survival of the populations in Tindouf is distributed, while the rest is sold on behalf of Polisario officials and their Algerian accomplices. According to OLAF report, these embezzlements have been possible because of the exaggerated estimates of the population in Tindouf camps, and accordingly the volume of aid destined to them.

42. Building on the conclusions of the European Anti-Fraud Office, the European Parliament adopted in April 2015 a resolution affirming the existence of these embezzlements, and therefore called for the adoption of corrective measures aimed at guaranteeing the non-reproduction of these practices.
43. The Investigation Unit at the General Inspectorate of the UN High Commissioner for Refugees said, in a report dated on 12 May 2005²³, that aid to Tindouf camps target 158,000 beneficiaries, based on the exaggerated estimates of the Polisario Front, while the High Commissioner for refugees estimated the number of refugees in Tindouf camps in 2005 to only 90,000.
44. The report of the Investigation Unit at the General Inspectorate of the UN High Commissioner for Refugees found that there have been embezzlements of humanitarian aid²⁴. In this context, it stressed the need to conduct a population census in Tindouf, and in case the Algerian authorities refuse, to reduce the volume of humanitarian aid to prevent embezzlements.

23- Investigation report No INQ/04/005 published in Geneva on 12 May 2005 by the Investigation Unit at the General Inspectorate of the UN High Commissioner for Refugees

24- Idem

IV. Fourth illusion: “40 years after the departure of Spain, the situation in the Sahara is still catastrophic.”

This is an absurd untruth. The Moroccan Sahara is today a model of solidarity and development in the Greater Sahara region, and its development process is open to addressing future challenges.

Several reports and studies highlight the concrete economic and social achievements for the development of the southern provinces, particularly in the fight against poverty and social inequality. These achievements often exceed the levels achieved nationally. These include:

Public investments

45. For nearly 40 years, public expenditure reserved for infrastructure (roads, airports and ports) and social infrastructure (schools, hospitals, street lighting, housing and sanitation) reached 70 billion dirhams. A new model for the development of the southern provinces was adopted, with a budget of 77 billion dirhams. Note that for every dirham collected, 7 dirhams are spent by the State on the development of the region.
46. The Development Model for the Southern Territories, which was the subject of framework agreements signed by His Majesty the King in November 2015 in Laayoune and then in Dakhla in February 2016, is a pioneering model for the development of these regions. This includes the

signing of 4 framework agreements for 683 projects (80 billion dirhams). The projects are distributed as follows: 251 projects for the region of Guelmim-Oued Noun (11.7 billion dirhams), 137 projects for Dakhla-Oued Eddahab region (21 billion dirhams) and 255 projects for the region of Laayoune-Sakiat Al Hamra (12.8 billion dirhams).

47. The rate of implementation of the projects of the Southern Regions Development Program (2015-2021) had reached by the end of March 2018 about 48%. This figure is expected to reach about 70% by the end of 2018. The total amount of funds allocated by the end of March 2018 was about 21 billion dirhams.

48. The southern provinces are witnessing huge investments in several fields, including the construction of the Atlantic Route Tiznit-Dakhla on 1,000 km (8.5 billion dirhams), the completion of programs related to the phosphate and renewable energies sector and the university medical center in Laayoune (2.9 billion dirhams), connecting the city of Dakhla to the national grid (2.3 billion dirhams), the project of the Atlantic port in Dakhla (9.6 billion dirhams), in addition to efforts made in the water sector, supplying the population with drinking water, the construction of a technological pole in Fem El Oued (2.1 billion dirhams) and a solidarity agriculture program (1.5 billion dirhams). According to EU Commissioner for Economic and Financial Affairs, Taxation and Customs Pierre Moscovici, granting customs preferences for products coming to the EU from the Moroccan Sahara contribute to the economic and social development of the region, noting that 45,000 local jobs depend directly or indirectly on the fisheries sector while 14,000 jobs depend directly on agricultural production.

Fighting poverty and social disparities

- 49.** In 1975, the southern provinces of the Kingdom registered the lowest development indicators. But today, they are posting the best performances at all levels. 50% of the population used to live below poverty line and illiteracy was rampant. Yet today, thanks to development initiatives human development indicators improved significantly²⁵. The regions of Laayoune and Dakhla are among the least poor regions with poverty rates of 2.2% and 2.6% respectively compared to 8.9% nationally²⁶. The multidimensional poverty in the southern provinces declined from 18.4% in 2001 to 4.3% in 2014 compared to 27% and 8.1% respectively at the national level²⁷.
- 50.** The Gross domestic product (GDP) in the southern regions has recorded between 2004 and 2013 an average annual growth rate of 8.9%, against 6.1% at the national level. The GDP per capita exceeded those recorded in the Rabat-Salé-Kenitra region and enabled it to rank second behind the Casablanca-Settat region. It is expected to reach in the near future the same growth rate as the Casablanca-Settat region (9.4%). According to the High Planning Commission, this economic upturn in the southern regions has been accompanied by a remarkable improvement in the improvement of the living conditions of the population.

25 - «Report on human development in the southern provinces of the kingdom: achievements and prospects», prepared by Dierckx de Castelé, Economist and former Residing Representative of the UNDP. The Agency for Economic and Social Development of Southern provinces. August 2008.

26 - «New development model for the Southern provinces», report published by the Economic, Social and Environmental Council (French acronym CESE), in October 2013, P. 36 (www.cese.ma)

27 - «40 years after the Green March: economic growth and human development in the southern regions of Morocco», report of the High Commissioner for Planning published in 2015

- 51.** The gross domestic product per capita in Laayoune region stood at 39,072 dirhams in the period 2001-2016, while the national GDP per capita was 22.743 dirhams. The GDP per capita in the region of Dakhla-Oued Eddahab stood at 26,762 dirhams.
- 52.** Between 2007 and 2012, the Southern provinces benefited from 2,242 projects of the National Initiative for Human Development (French acronym INDH), benefiting 495,840 people, that is 52% of the population of these provinces. Half of the projects involve associations and cooperatives (1,065 out of 2,242) and the funding represents 10% of the budget (152.4 million dirhams). 702 projects (31%) were destined to “revenue-generating” activities²⁸.
- 53.** The annual direct and indirect State aid for the Sahara population is estimated at around 4.7 billion dirhams. The direct aid distributed by the National Promotion (PN) program benefited some 34,000 people with a budget of 589 million dirhams, representing half of the budget allocated to this program at the national level²⁹.
- 54.** Contributing to reducing poverty, the decline of social inequalities, measured by the Gini index, between 2001 and 2014, was estimated at 10.5% in the southern provinces compared to 4.7% nationally³⁰.

28- «New development model for the Southern provinces», report published by the Economic, Social and Environmental Council (French acronym CESE), in October 2013, P. 36.

29- Same reference, P. 35

30- «40 years after the Green March: economic growth and human development in the southern regions of Morocco», report of the High Commissioner for Planning published in 2015

- 55.** More generally, it is interesting to note the evolution of the Human Development Index (HDI), measured in accordance with the UNDP approach, in these regions. In 2004, it was 0.576 before rising to 0.643 in 2014, achieving a growth rate of 11.6% between the two dates and exceeding its level at the national level to be closer to the performance in the Casablanca-Settat and Kenitra-Rabat-Salé regions.
- 56.** The percentage growth of household final consumption expenditure per capita (2004-2013) in the southern provinces reached 6% compared to 5.6% nationally, thus approaching the level in the two regions of Casablanca-Settat and Rabat-Salé- Kenitra³¹.
- 57.** As an illustration of the economic dimension of national solidarity with the southern provinces, the example of the ratio of tax revenues as a percentage of national GDP compared to the ratio of tax revenues as a percentage of the GDP of the southern regions speaks for itself. This ratio is only 1.1% in the southern provinces compared to 21.8% nationally³².

Access to basic services

- 58.** Indicators of access to major utilities, including water, sanitation, electricity, exceeded the national average (more than 84% compared to 70% nationally for electricity, around 70% compared to 55% nationally for drinking water)³³.

31- «40 years after the Green March: economic growth and human development in the southern regions of Morocco», report of the High Commissioner for Planning published in 2015

32- Idem

33- «New development model for the Southern provinces», report published by the Economic, Social and Environmental Council (French acronym CESE), in October 2013, P. 37.

59. According to the main results of the General Census of Population and Housing, conducted in 2014³⁴, the urbanization rate reached 93.4% in the region of Laayoune-Sakia El Hamra and 74.3 % in Dakhla-Oued Ed-dahab, compared to 60.3% nationally.

Schooling, health services and housing

60. The literacy rate among the inhabitants of the southern provinces in 2012 (67.8%) is higher than the other parts of the country (61.7%)³⁵. It is noteworthy that in 1985 the percentage of total illiteracy to family providers, who were supposed to have had primary education during the colonial era, stood at 78%. Yet, as of 2000 and despite the burden left by the colonial era, this percentage was reduced to 50.6% that is far better than the national average of 66.1%³⁶.

61. The school enrollment rate for children aged between 7 and 12 reached 98.4% in the Laayoune-Sakia El Hamra region and 97.5% in the Dakhla-Oued Ed-dahab region, compared to 94.5% nationally. The region of Laayoune recorded the best gross rate of primary completion (132%), with the highest success rate in the baccalaureate

34- The main results of the General Census of Population and Housing of 2014 (hcp.ma).

35 - «New development model for the Southern provinces», report published by the Economic, Social and Environmental Council (French acronym CESE), in October 2013, P. 36

36- « Rapport sur le développement humain dans les provinces du Sud du Royaume : Acquis et perspectives », par Emmanuel Dierckx de Castelé, économiste, ancien Représentant résident du Programme des Nations Unies pour le développement (PNUD), pour l'Agence pour la promotion et le développement économique et social des provinces du Sud du Royaume, août 2008. P. 19-20

http://www.portailsudmaroc.com/documents/300610_191232-rdhsud-version-finale-27-8.pdf

(high school degree) in the region of Dakhla-Oued Ed-dahb (64%)³⁷.

62. Three indicators are adopted to measure human capital. The first of these indicators measures the average number of years of schooling among the population aged 25 years or over. This index has reached in the Sahara regions 3.4 years in 2004 and 4.6 years in 2014, while the national average was 4.4 years. The second indicator is related to the percentage of people in the same age group, whose level of education exceeds the secondary level. This percentage increased from 23.8% in 2004 to 33.3% in 2014 in these regions, compared to 23% and 30.4%, respectively, at the national level. The third indicator of human capital is school life expectancy, which is a measure of how many years of education a child of school-entering age would receive during his or her lifetime. This index has grown in the southern regions from 11.4 years in 2004 to 13.5 years in 2014, thus exceeding the national average (12 years) as well as the percentage recorded in the regions of Casablanca-Settat (12.7 years) and Rabat-Salé-Kenitra (12.5 years).

63. As for child mortality, according to the statistics of 2008, it was 22.9/1000 in Dakhla region, 32.9 in Guelmim and 33.8 in Laayoune compared to the national level of 45.8/1000³⁸. At the national level, child mortality fell to 22/1000 in 2018.

37 - «Note on the regional breakdown of investment: public investment for integrated and balanced territorial development», annexed to the draft finance act for 2016/ department of Economy and Finance, P. 19

38 - «Report on human development in the southern provinces of the kingdom: achievements and prospects», prepared by Dierckx de Castelé, Economist and former Residing Representative of the UNDP. The Agency for Economic and Social Development of Southern provinces. August 2008. P. 22

http://www.portailsudmaroc.com/documents/300610_191232-rdhsud-version-finale-27-8.pdf

- 64.** Health and housing services represented the highest expenditure in terms of the contributions of local authorities (in addition to those of the State), reaching 1,989 dirhams per capita for the region of Dakhla-Oued Ed-dahb, 1,585 dirhams per capita for the region of Laayoune-Sakia Hamra and 1,502 dirhams per capita for Guelmim-Oued Noun³⁹.
- 65.** Between 2004 and 2014, the share of urban households living in a villa, apartment or modern Moroccan home rose from 77.2% to 92%. The housing stock of less than 20 years is held by 53.8% of households, while the housing stock between 20 and 50 years is held by 40.1%. More than 9 out of 10 households are connected to a public network of electricity, 93.7% have access to drinking water, 92.5% use the household waste collection services provided by the municipalities and 73.3 % use the public sewage system for wastewater disposal, while 15% use septic tanks⁴⁰.

Perceptions of the population with regard to welfare and social cohesion dimensions

- 66.** Affects and perceptions of the population in the southern provinces, such as collected as part of the supplementary survey conducted throughout Morocco during the general population census of September 2014, reflect, to some extent, their state of mind and feelings⁴¹:

39 - «Note on the regional breakdown of investment: public investment for integrated and balanced territorial development», annexed to the draft finance act for 2016/ department of Economy and Finance, P. 19

40 - «40 years after the Green March: economic growth and human development in the southern regions of Morocco», report of the High Commissioner for Planning published in 2015

41 - Idem

- Nearly 83% (compared to 80% nationally) of people aged 20 to 59 have good spirits and show a sense of optimism towards life.
- Nearly 72% of people aged 20 to 59 years compared to 68% nationally feel an improvement of their living conditions.
- 61% of the same age group, compared to 59% nationally, believe that public policies have improved their living conditions.
- 71% of people aged 20 to 59 (compared to 66% nationally) consider that in Morocco, the different social, ethnic, religious and political components of the Moroccan society live in harmony and their relations do not suffer from particular tensions.

Economic indicators

- 67.** Between 2001 and 2016, the southern regions' GDP has recorded a growth rate that exceeded the growth of the country's GDP. GDP in the regions of Laayoune-Sakiat Al Hamra and Dakhla-Oued Eddahab grew by 12% and 10.6% respectively, while Morocco's GDP rose in the same period by 5.6%.
- 68.** GDP per capita in the southern provinces increased by 5.8% per year, exceeding the Rabat-Salé-Kenitra region and close to the level registered in the Casablanca-Settat region where the growth rate of this aggregate is 4.9%⁴².

42- «40 years after the Green March: Economic growth and human development in the southern regions of Morocco», report of the High-Commissioner for Planning published in 2015.

- 69.** The southern provinces record the best performance of the labor market at the national level with an average annual growth rate estimated at 3.3%⁴³, despite the unemployment challenge that persists in the region.
- 70.** The region of Laayoune enjoyed buoyant momentum with a higher growth rate than the national average which is 6.2% during the 2001-2013 period, with a rate of 10.6%.
- 71.** The southern provinces recorded the best rates of the creation of industrial institutions during the 1998-2012 period: 15.4% for the region of Laayoune-Sakia Hamra, 8.9% for the region of Dakhla-Oued Ed-Dahab and 6.1% for Guelmim-Oued Noun⁴⁴.

Promising economic prospects

- 72.** Under the leadership of HM King Mohammed VI, may God assist him, several projects of the new development model in the southern provinces⁴⁵, with a budget of 77 billion dirhams, were launched on 7 November 2015 in Laayoune, as part of the celebration of the fortieth anniversary of the Green March. This model is based on elements which include the creation of competitive clusters capable of creating a new dynamic and employment opportunities needed for young people and women, consolidating the integrated development and promoting the cultural

43- «Note on the regional breakdown of investment: public investment for integrated and balanced territorial development», annexed to the draft finance act for 2016/ department of Economy and Finance, P. 19

44- Same reference, P. 1

45- A detailed presentation on the «New model of the development of the southern provinces » is available on the website «sahara.gov.ma».

dimension based on responsible governance within advanced regionalization. It is also meant to promote human rights to consolidate trust and democracy, and guarantee sustainable development, while improving the networks between the southern provinces and, on the one hand, all the rest the Kingdom and, secondly, the countries of sub-Saharan Africa. The structural projects of the new development model of the South provinces are revolved around 12 areas:

- I. The Phosphates sector: Regarding the phosphate sector, the Phosboucraâ project for industrial development (with a budget of 16.8 billion dirhams) is meant to promote the phosphates sector at the local level and integrate all the stages of the production chain to encourage its export so as to allow optimal promotion of resources and thus enable the local population to further benefit from them;
- II. Agricultural promotion projects: These projects aim at improving the living conditions of the population through the creation of job opportunities (11,000 jobs), the diversification of revenue sources and the rational use of natural resources through an agricultural promotion of the Dakhla region on an area of 5 ha, an operation that will require an estimated budget of 1.3 billion dirhams. This will go through seawater desalination in order to preserve the groundwater. The province of Boujdour is no exception. It will benefit from development projects on an area of 100 ha at a cost of 465 million dirhams;
- III. Promoting solidarity-based agriculture: It is expected to carry out 50 projects of this kind with a budget of 1.5 billion dirhams. These projects will benefit an estimated population of 16,800 people;

- IV.** Promoting sea products and fish farming: large-scale projects will be carried out in the Dakhla-Oued Ed-dahab region, which will create 8,000 jobs. There are two main projects relating to the promotion of sea products (1.2 billion dirhams) and the promotion of the aquaculture sector in three geographic regions (3.7 billion dirhams);
- V.** Building a dam on Oued Noune in the province of Guelmim which will enable to address the shortage in drinking water and will provide irrigation water for the agricultural lands nearby the dam. It will also help protect against floods;
- VI.** Ecological Tourism: a new tourist pole will be created and an innovative tourism offer, which combines sea, Sahara, culture and environment, will be launched, while developing a complementary offer based on culture, environment and local products. This tourist program provides for creating 84 projects for an investment estimated at 2.1 billion dirhams;
- VII.** University Hospital in Laayoune: a university hospital will be established in Laayoune at a cost of 1.2 billion dirhams. The university hospital will improve the healthcare offer for the local population and provide quality medical care;
- VIII.** Creating a technology park: it is expected to create a technology park in Fom El Oued region in Laayoune with a budget estimated at 2 billion dirhams. This facility will be dedicated to training, development and technological and cultural innovation;
- IX.** Environmental dimension: Three pillars were defined: sustainable development, preservation of fragile ecological systems through the preservation of maritime and fishery resources, and the development of renewable energy and the protection of ecosystems;

- X.** Extending coverage of mobile telephony: The development model attaches the utmost importance to improving the spatial connection of the southern provinces to other regions to take advantage of all the opportunities offered by the geostrategic location of the kingdom. To achieve this goal, efforts will be made to strengthen and extend the coverage of mobile telephony of the second, third and fourth generations at a cost of nearly 1 billion dirham, in the sense that this project provides for new connections via optical fibers and the ongoing modernization of networks;
- XI.** Building the Atlantic Tiznit-Laayoune-Dakhla Expressway: It is planned to build the Atlantic Tiznit-Laayoune-Dakhla Expressway to connect the southern provinces to the other regions of the Kingdom, which will facilitate trade, develop transport means and improve road safety. This project will be implemented in two stages. The first stage will require investments of around 8.5 billion dirhams;
- XII.** Building the Atlantic port: It is planned to build the Atlantic port on the Atlantic coast at a cost of 6 billion dirhams.

73. According to Article 115 of the organizational law relating to the regions, the development plan for the regions of Laayoune-Sakiat AL Hamra and Dakhla-Oued Eddahab was approved in August 2018. The development plan for the region of Laayoune-Sakiat Al Hamra is worth 66 billion dirhams (2016-2021), while the regional plan for Dakhla-Oued Eddahab will require 27 billion dirhams for the period 2017-2022. Over 270 projects are scheduled on the period 2018-2020 (37 billion dirhams).

V. Fifth illusion: “Human rights are seriously violated in the Moroccan Sahara, under the blackout”

This is a blatant allegation, the Sahara is an open region and human rights are increasingly improved and developed within the framework of fairness, reconciliation and accountability.

74. For years, Morocco has tackled, with boldness and responsibility, the issues related to human rights in the southern provinces. In this respect, Morocco has established the Equity and Reconciliation Commission (French acronym IER) to turn the page of the serious human rights violations in the past. In this context, the Commission received 5,027 applications for compensation in the Moroccan Sahara region out of 26,063 applications nationwide of a global amount of 1.804 billion dirhams. In this regard, nearly 618 million dirhams (72 million dollars) have been allocated to compensate a large portion of the files from the southern provinces. There are also the social integration programs initiated for their benefit. Morocco has also compensated 217 civilians that were kidnapped or detained by the Polisario, amounting to nearly 85 million dirhams⁴⁶.

75. At the same time, the other parties do not hesitate to use any method to hinder the achievement of a realistic and mutually-acceptable solution to this conflict. It uses the human rights issue as a strategic instrument to block the political negotiations process and undermine the positive momentum created by Morocco’s autonomy initiative. Thus, propelling a stalemate that ignites political tension

46- Report of the National Human Rights Council before the parliament in 2014, P. 16

and security threats in the region. On the other side, the Kingdom of Morocco remains faithful to pursuing the negotiation process as it has reaffirmed on multiple occasions its political willingness to reach a political and mutually-acceptable solution.

- 76.** In 2011, the National Human Rights Council (French acronym CNDH) established regional commissions all over the country, including two regional commissions in Laayoune and Dakhla. Like other counterparts across the Kingdom, the two regional commissions in the Sahara monitor the situation of human rights.
- 77.** In its Resolution No 2218 (April 2015) and in previous reports, the UN Security Council welcomed the establishment of the National Human Rights Council and its regional commissions in the Sahara. It should be noted that no recognized international authority has ever questioned these Commissions or discredited their work.
- 78.** In 2015, the Code of Military Justice was reformed, definitively excluding any prosecution of civilians before the military court.
- 79.** In terms of human rights and fundamental freedoms, the right to life and security, as well as property and personal safety are guaranteed besides ordinary law guarantees and under the same conditions as the other parts of the Kingdom. The right to move, leave the provinces and municipalities of the South or to settle in them is fully exercised⁴⁷.
- 80.** The law governing the national territory, including the southern provinces, sets the conditions for setting up

⁴⁷ «New development model for the Southern provinces», report published by the Economic, Social and Environmental Council (French acronym CESE), in October 2013, P. 35

associations. Under this law, associations are created freely and have the legal capacity upon registering with the local administrative authorities and not upon their authorization. Once the registering file is completed, a deposit receipt is handed and cannot be denied by the authorities unless there was a non-observance of procedures in force.

81. Evidence to the freedom of association in the Sahara, an association expressing positions contrary to the Moroccan Saharawi unionist position has been recognized and authorized by the State. Supporters of this association are active at home and abroad and they enjoy freedom of movement even to Tindouf. This is the case of the Sahrawi association of victims of grave human rights abuses.
82. The number of registered associations in the Laayoun-Sakia Alhamra, and Dakhla-Oued Eddahab regions amounted to 4070 associations operating in the different areas (3331 in Laayoun region and 739 in Dakhla region), including 503 associations registered in the year 2015. The number of registered associations from Jan. 1 to Apr. 30, 2016 reached 149 associations.
83. The freedom of internet access is guaranteed in the Sahara. Associative and partisan pluralism is quite rich and reflects the dynamism of the components of the Sahrawi society.
84. No regulatory or statutory provision limits collective freedoms. All representative unions have local branches and may, de jure, intervene in professional relations. They hold processions and demonstrations in the southern provinces, notably on May 1st, on the occasion of the Labor Day⁴⁸.

48- Idem

- 85.** The right to strike is exercised freely in the region, there are no known cases of recourse to Article 288 of the Penal Code which punishes the organization or participation in a strike on the grounds of infringement of the freedom to work.
- 86.** The right to peaceful protest is guaranteed in the Sahara. The authorities only intervene to maintain order in the event of breach of public order, national security, public safety or rights and liberties of others. The number of protests staged since Jan. 1 to Dec. 31, 2015 in the Laayoun-Sakia Alhamra and Dakhla-Oued Eddahab amounted to 379 demonstrations in which 11,950 protesters took part (28 protesters in Ouserd, 40 in Boujdour, 62 in Es-smara, 166 in Laayoun, 82 in Oued Eddahab and one in Tarfaya.
- 87.** The reports of the UN Secretary-General to the Security Council (S / 2015/246), (S/2016/355), (S/2017/307), and (S/2018/277) said that many foreign delegations from national legislatures, diplomatic missions and governmental and non-governmental institutions, as well as journalists and academic researchers conducted field visits in the Moroccan Sahara.
- 88.** Nearly 23,906 foreigners, representing 123 nationalities, visited the Moroccan Sahara in 2014. In 2015, 23,774 foreigners from 126 nationalities visited the region. As for 2016, until the end of March, 5,062 foreigner from 96 nationalities visited the southern provinces as part of diplomatic delegations, parliamentarians, journalists; researchers and representatives of human rights organizations who traveled and moved freely and contacted even those who espouse separatist ideas.

89. The rather limited cases of expulsion of foreigners are related to non-compliance with legal provisions, as it practiced in all the States, namely lying about the purpose of their travel or their involvement in incidents causing disruption of public order.
90. The UN Rapporteur on the Right to Food visited the southern provinces of Morocco within the framework of her visit to Morocco on 5-12 October 2015. The UN Rapporteur on Torture also visited the region in September 2012. The UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) also visited it in 2017.

VI. Sixth illusion “Tindouf camps are a paradise of human rights”

This is a tendentious illusion. These camps are the scene of documented cases of slavery, torture, repression of the freedom of expression and dissent opinions as well as detention and deprivation from the freedom of movement.

91. A report of “Human Rights Watch” entitled Human Rights in Western Sahara and in the Tindouf Refugee Camps⁴⁹, issued on December 16, 2008, cited several cases of serious human rights violations in Tindouf camps by the Polisario. The report noted that the rights of the population of Tindouf camps are violated because of the isolation of the camps and the non-existence of human rights monitoring as well as the lack of transparency by the host state, Algeria, concerning the respect of human rights of the Sahrawis who live in the Polisario-run camps on the Algerian territory. The report underscored the following:

- “The Polisario Front monopolizes political speech and marginalizes those who directly call into question its continued leadership or oppose it on fundamental issues. The camps have no dissidents, demonstrations, media or organizations of any real significance that openly challenge the legitimacy of the Polisario Front as the embodiment of the national cause, or that lobby in favor of accepting Morocco’s proposal for Saharan autonomy under Moroccan sovereignty”.

49- Report of Human Rights Watch entitled «Human Rights in Western Sahara and in the Tindouf Refugee Camps». December 16, 2008. (<https://www.hrw.org/report/2008/12/19/human-rights-western-sahara-and-tindouf-refugee-camps>)

- Algeria has effectively abdicated responsibility for human rights violations committed by the Polisario on Algerian territory. This is impermissible: the international community must hold the government of Algeria, along with the Polisario, accountable for any Polisario violations committed in Algeria.
- The reports cast light on the suffering inflicted on anyone who wishes to flee the camps. It points out that those who left the camp heading to the Moroccan Sahara have all hidden their ultimate destination, fearing that the Polisario would block their departure if it became known. This fear propelled several Saharans to leave without packing their items or bringing their relatives.

92. Another 94-page report issued by Human Rights Watch in October 2014 entitled “Off the Radar Human Rights in the Tindouf Refugee Camps”⁵⁰, documents several grave human rights violations among which:

- Certain practices of slavery (...), persist”, the HRW report says, adding that the “victims are from the minority of dark-skinned Sahrawis” and “slavery mostly takes the form of [non-voluntary] household work”. In this context, HRW called on the Polisario “redouble efforts to eradicate this phenomenon”.
- According to the report, there are «efforts by authorities to curb political activism», citing the case of Mustapha Salma Ould Sidi Mouloud, whose detention «appears politically motivated» The report also underlined that

50- «Off the Radar: Human Rights in the Tindouf Refugee Camps», HRW
<https://www.hrw.org/report/2014/10/18/radar/human-rights-tindouf-refugee-camps>

«the Polisario monopolizes political discourse in the camps»

- HRW noted the existence of cases of ill-treatment and torture in the camps. As an illustration, the case of Saharawi artist Allal Najem El Gareh who was tortured because of his open opposition to the Polisario leadership.
- HRW documented “the cases of eight civilian men who are under investigation or have been sentenced to prison by military courts”. The men affirm that “they have been held in pre-trial detention beyond the period provided by law or, in two cases, appear to have been kept in prison after having completed their court-imposed sentences».
- Regarding the violation of freedom of expression, the report notes that «most news media operated by Sahrawis residing in the Tindouf refugee camps are state organs» which «typically avoid giving voice to criticism of the Polisario or opposition to its political goals».
- The HRW report underlines the responsibility of Algeria vis-à-vis the violations of human rights in Tindouf camps, stressing that «the Algerian government remains ultimately responsible according to its international legal obligations, for the human rights of all persons in its territory».
- No pluralism or diversity of opinions can be imagined in Tindouf camps, with the persistence of the one-party system, according to the testimonies of several human rights NGOs.

- The HRW also called on Polisario to ensure that camp residents are free to challenge peacefully the leadership of the Polisario Front and to advocate options other than independence.

93. Another report by Amnesty International issued for the period of 2015-2016 shows that the Polisario did not investigate to find those responsible for the human rights violations that were committed in the 1970s and 1980s of the last century in the camps under its control⁵¹.

94. The case of Sahrawi militant Mustapha Salma Ould Sidi Mouloud, former general inspector of the “Polisario police”, is a vivid example of the violation of the freedom of expression and evidences the oppression directed at those espousing ideas different than those of the leadership of the separatist group. Those who venture to express a different and independent view other than the one adopted by the Polisario administration are tortured and imprisoned and oppressed. Ould Selma faced such degrading treatment because he expressed freely his support for the autonomy initiative as a solution to put an end to this conflict. As a result, he was imprisoned for months and endured physical and psychological torture and was only liberated under international pressure.

95. The status of refugees that is often used to describe the population of Tindouf camps is yet to be verified in light of their non-conformity to the Geneva Convention on refugees. Academic and international expert Abd El Hamid

51- Amnesty International, the state of the world's human rights, 2015-2016. P. 298

EL Wali⁵² conducted a study on this issue, in which he highlighted the international responsibility based on facts and real documented events. He proved that the population of Tindouf camps was forced to leave its homeland to settle in the military camps in the host country, Algeria, where they continue to endure multiple violations. This explains that they do not enjoy the right to free speech, gathering or the freedom of a refugee to contact the UN Refugee Agency or any other NGO unless elements of the Polisario are present. Aspects of the suffering documented in this study include all sorts of blackmail and intimidation inflicted on the camps dwellers, including separating families, forced recruitment of the youth and children, forced child labor. As well as detaining any member of a family as part of the UN-sponsored family exchange visits. The Study also shows that this situation propelled Algeria to refuse to allow a census of the refugees on its territory because this would open the door for the UN Refugee Agency to carry out its mission and supervise directly the camps by excluding those who do not conform to the definition of a refugee and guaranteeing the freedom of movement to the refugees.

- 96.** The international community cannot just continue to turn a blind eye to the suffering inflicted by tens of thousands in the Tindouf camps. It has to determine whether the Sahrawis in Tindouf are refugees and consequently provide protection for them in line with international protection principles through dismantling the military camps where they live now and giving the UN Refugee Agency access to do its mission and give this population its full refugee

52 - Abdelhamid El Ouali, « La face cachée du conflit du Sahara. Le reniement de la protection des réfugiés face aux desseins géostratégiques de l'Algérie », Casablanca, Editions Maghrébines, 2014.

rights. Or the international community cannot consider refugees and hence it should liberate them rapidly and uphold the criminal responsibility on those who deprived them of their freedom so that they can use this population for political ends⁵³.

97. A report of the American committee for refugees and immigrants issued in 2009 entitled “Stonewalling on Refugee Rights: Algeria and the Sahrawi”⁵⁴ showed that Algeria failed to uphold its commitment under the 1951 Geneva Agreement and its 1967 Protocol on the backdrop of its treatment of the Sahrawi refugees. Even worst, Algeria failed to recognize its responsibility on the treatment inflicted on this population on its territories by claiming that they are under the supervision of a state in exile. The report points out that a committee visited the region in July 2009 to assess the situation. Yet, the members of the committee could not meet any Algerian officials despite multiple attempts.

98. The report also monitored several human rights violations that prevail in the camps, such as detention without trial, limiting the freedom of movement and the refusal by Algeria and the Polisario to allow a census. This raises concerns regarding smuggling and embezzlement of international humanitarian aid.

53- «La situation des droits humains dans les camps de Tindouf (Algérie) et au Sahara Marocain», File 2014-I,

Association de promotion des libertés fondamentales (APLF), Abdelhamid El Ouali, law professor at the university of Casablanca and former expert in the High Commissioner for Refugees in Geneva.

54- « Stonewalling on refugee rights : Algeria and the Sahrawi », US. Committee for refugees and immigrants,

2009. file:///C:/Users/user/Downloads/USCRIreportRefugees20091%20(1).pdf

- 99.** In July 2013, the Spanish justice accused several leaders of the Polisario, including 29 sued, of torture, forced disappearance, illegal detention and serious human rights abuses against the populations of Tindouf camps, following a complaint filed in December 2007 with the Spanish Justice by the association of the missing and victims of Polisario aggression.
- 100.** According to the Canary Association of Polisario Victims (Spanish acronym ACAVITE), created in 2006 in Las Palmas and chaired by Lucia Jiménez, whose father was killed in an attack perpetrated in 1976 by Polisario against the Phosboucraâ plant, 300 Canary families are affected by the attacks perpetrated by the Polisario against the fishermen of the Spanish archipelago.
- 101.** Ahmad Khalil, one of the Polisario Front leaders in charge of human rights, disappeared in April 2009 in mysterious circumstances on the Algerian territory without leaving any sign of life. His family, who has never had any news about him since his disappearance and does not know if he is still alive, holds the Polisario accountable of this disappearance. Born in 1953 in Tan-Tan, Ahmed Khalil held several positions within the Polisario leadership, particularly as chief of staff to the alleged presidency of the separatist republic, adviser on human rights and responsible of security in Tindouf camps.
- 102.** The whole world has witnessed the barbaric acts (murder, slaughter and urination on corpses ...), which caused the death of 11 members of the Moroccan security forces, during the dismantling of the «Gdim Izik» camp near the

Moroccan city of Laayoune⁵⁵. 25 peoples were sued and convicted by the military court as part of a fair trial attended by international observers from different nationalities in addition to Moroccans. The military court allowed media outlets to attend all hearings and translation was provided for foreigners in French, Spanish and English, in addition to equipment to enhance the sound and therefore better hear the judge, prosecutor, defense and suspects.

103. Young Mahjouba Mohamed Hamdidaf was detained in summer 2014 by the Polisario in Tindouf camps. This young lady had been working for several months for the “Marie Curie Foundation Care” in London and intended to pursue her graduate studies in the British capital. In the summer of 2014, she went to Tindouf to visit her biological parents. Once in Tindouf camps, they seized her passport and money to prevent her from returning to Europe. Human Rights Watch (HRW) called, in October 2104, for granting Mahjouba her full freedom of movement, deeming her sequestration as a “serious crime”.

104. There have been no further developments in the case of missing Mauritians in the Polisario detention centers. The Mauritanian association “Memory and justice” is one of the main associations endeavoring to determine the fate of the missing, through the organization of international forums to shed light on their cause. Face to these claims, the Polisario Front turns a deaf ear.

105. Assuming that Tindouf camps are “a paradise of human

55- For further details about what happened in the Gdeim Izik camp, please read the «white paper on Gdeim Izik camp events», prepared by the inter-ministerial delegation for human rights. February 2013.

rights”, as claimed by Morocco’s enemies, why do the Polisario Front and Algeria refuse to carry out a population census in the camps? And why do they refuse to allow international human rights organizations and NGOs and UN rapporteurs on human rights to have access to these camps? And why this contradicting numbers of 300,000 fermented by the proponents of separatism and 160,000 used in Algerian propaganda, while the UN estimates the number at 90,000?

VII. Seventh illusion: “The project of the micro-State of the Polisario is a prelude to promote peace and democracy in the region”

This is a chimera. The alleged illusory separatist republic has the imprints of a failed state that is impotent in front of terrorism and whose sovereignty is doomed to be usurped by Algeria besides being an anachronism of the one-party rule.

106. To say that the project of the “micro-State” of the Polisario is a prelude to promote peace and democracy in the region is a false claim. This is based on false assumptions that bear the seeds of a failed and isolated state that will lead to more instability, terrorism and tension as well as violence and exclusion. Such an illusory state will be controlled by Algeria and will be an easy prey to terrorism besides its adoption of the one-party rule and its inability to open the camps to a neutral and transparent census of the camps’ population.

107. The international community will be facing a failed micro-State project, which does not meet the criteria of the State that trades in the suffering of the Tindouf camps’ population by embezzling the international human rights as the EU anti-fraud office has recently revealed.

108. The Moroccan Sahara region is today the safest area in the Sahel-Saharan region. No attacks were recorded in 2014, 2015, 2016 and 2017. Out of the 289 terrorist attacks

perpetrated in the countries making up the greater Sahara in 2014, and 205 terrorist attacks in 2015 and 235 terrorist attacks in 2016, no attack has taken place in the Moroccan Sahara. In contrast, reports show that the populations of Tindouf camps are widely infiltrated by terrorist groups.

- 109.** The experience of creating micro states in the African continent during the last 25 years showed that such states did not solve the problems or address the challenging facing Africa, but rather aggravated several issues and raised deep concerns. The continent saw the creation in 2011 of a new statelet that entered a spiral of violence that is taking a toll on the stability of the continent which is already suffering from serious threats to its peace and security⁵⁶. Hence, what guarantees that a new polissario statelet would not be a failed state to the contrary of what the pro-separatist propaganda claims?
- 110.** At the international level, the polissario was not recognized as a liberation movement let alone of being recognized as the only and one legitimate representative of the Saharans. The polissario front does not have the legitimacy to speak on behalf of all Sahrawis and presenting itself as a legitimate representative, given that there were not transparent and democratic elections. So how could a leadership that has been stagnant for four decades pretend to represent legitimately the population of the second provinces which freely chose to be part of its homeland, Morocco, and to contribute to its development and managing its affairs through their elected councils.

56- "Just say no to another failed state in Africa », Lester Munson, Foreign policy, March 28, 2016.

- 111.** The different elections that took place in Morocco show the big involvement of the population of the southern provinces where higher voter turnout is registered. The local and regional elections of September 4, 2015, saw turnout levels reach 79% compared to 53.7% nation-wide. This shows that representatives of the elected population should not be marginalized.
- 112.** The preliminary results of the identity identification that took place showed that the majority of the population is not in Tindouf in Algeria which further exhibits the fallacy of the polissario claim to represent the Sahrawis. The withdrawal of recognition of the self-proclaimed polissario republic by 46 states and the remaining 37 states that still recognize the polissario phony state out of 193 UN-members is another proof of the increasing isolation of the separatist movement.
- 113.** The claimed membership of the polissario in the African Union which the opponents of Morocco's territorial integrity use to prove the legitimacy of the separatist movement is actually against the charter of the African Union and has no legal basis. That is because membership of the African Union has special requirements as it is only open to countries enjoying full sovereignty in line with Article 28, paragraph 1, which does not apply to the Separatist republic in Tindouf which lacks the requirements of a state as specified in the international law. Thus, recognizing the republic of the polissario and accepting it as a member in the African Union represents a blatant violation of the Charter of the organization and interference in the internal affairs of Morocco⁵⁷.

57 - «International legal aspects of the Moroccan Sahara», Dr. Abdelfadil Aqandil, Arrisala Printing House. Rabat 2006, P. 216-217.

- 114.** The United Nations has never in any of its decisions, whether by the UNSC or the UNGA, or in any of its legal counseling, described the Polisario or its alleged republic “the government of exile”, as it does not possess the legal requisite to be called that.

VIII. Eighth illusion: “MINURSO is the only peacekeeping mission that does not have a mandate to monitor human rights”

This is a false allegation, as five UN missions out of the existing 12 do not have this mandate.

- 115.** In addition to MINURSO, five other UN Missions out of 12 do not have a mandate to monitor human rights. This is the case of UNMOGIP between India and Pakistan, UNFCYP in Cyprus, UNDOF on the Golan Heights, UNIFIL in Lebanon and UNISFA in Abyei in Sudan.
- 116.** The new trend of the United Nations is to support national bodies for the promotion of human rights, not to question them. This is the case for example of the Independent Commission of Human Rights in Afghanistan established on 14 May 2005.
- 117.** None of the UN bodies adopted a resolution calling for the extension of the MINURSO mandate to monitoring human rights. The mandate of the Mission under the 1991 agreement is limited to monitoring the cease-fire and holding the referendum. In addition, this mandate cannot be modified without the prior agreement of the parties. The UN Secretary General has previously noted in his report⁵⁸ on the situation in the Sahara issued on October 13, 2005, that any changes to the agreement should be mutually-accepted and in accordance with the principle that provides for keeping military forces under the current status-quo and upholding the cease fire as well as enabling

58- Secretary General report S/2005/648

the members of the military mission to enjoy the freedom of movement in line with the peace-keeping principles.

- 118.** The UN Security Council hailed, in its resolutions 1979, 2044, 2218 and 2285, the “establishment of regional commissions of the National Human Rights Council in Dakhla and Laayoune”. These Commissions are consistent with the Paris criteria approved by the UN General Assembly.
- 119.** The fact that the UN Security Council welcomed the establishment of the Regional Commissions of the National Human Rights Council amounts to an acknowledgement of the effective and credible efforts made by Morocco to promote the mechanisms for human rights respect in all Moroccan regions, which discredits the calls of some parties to extend the mandate of MINURSO.

IX. Ninth illusion: “Morocco impedes the organization of the referendum”

This is a falsification of history. The truth is that the United Nations announced the impossibility of holding the referendum. Face to this situation and to support the conflict settlement process and break the deadlock, Morocco presented the autonomy proposal in 2007.

Failure of the referendum plan

- 120.** The referendum plan failed for various reasons, in particular the enormous difficulties encountered in the operation of determining the list of electors eligible to participate in the referendum. More than 131,000 appeals have been filed against the first list, which included only 84,000 participants in 1999. At that time, UN Secretary General said that the appeals process promised to be even lengthier and more cumbersome and contentious than the identification process itself, that is to say, to follow an endless path. As such, the UN Secretary-General stated in his report of 23 May 2003 in paragraph 26: “In my report of June 2001 (S / 2001/613, Para 27-29), I described the serious difficulties encountered in carrying out and concluding the identification process and enumerated the remaining key unresolved issues of the settlement plan following the conclusion of the Houston agreements. The report noted that since the conclusion of the identification process at the end of 1999, MINURSO had received a total of 131,038 appeals. The appeals process promised to be even lengthier and more cumbersome and contentious

than the identification process, which itself, lasted for five and a half years”.

- 121.** The UN has never conducted a referendum based on the identification of voters. This process of identification proved to be an impossible task because of the tribal and nomadic characteristics of the Saharan population.
- 122.** Since 2004, the UN Security Council no longer points out to referendum. It rather calls for a political and mutually-acceptable solution between all the parties.
- 123.** Several UN officials acknowledged the unfeasibility and the unrealistic character of the referendum option. Before the Security Council, former personal envoy of the UN Secretary General for the Sahara, Peter van Walsum, said on 21 April 2008, following sessions of direct negotiation between 2007 and 2008, that he concluded that an “independent Western Sahara was not a realistic proposition”⁵⁹, calling on the fifteen members of the Security Council to recommend further negotiations while taking into account the political reality and international legitimacy
- 124.** The position of Algeria and the Polisario is still based on a false understanding of the principle of self-determination and on a philosophy that is contrary to the decisions of the Security Council as well as the efforts of the international community to find a solution to this regional conflict.

59- «Le médiateur de l'ONU écarte l'indépendance du Sahara occidental» (The UN mediator excludes the independence of Western Sahara), article published on « Le-monde.fr» on 22/04/2008

- 125.** Since 1945 the UN has only supervised 6 referendums, three of which led to independence (Namibia in 1990, East Timor in 2002, South Sudan in 2008). A referendum resulted in the integration of western Aryan in Indonesia in 1963 and two referendums led to the refusal of the free partnership between Tolko and New Zealand (2006 and 2007). Thus, since 1945, the UN only settled four cases through referendum out of 65 cases listed in the category of non-self-governing territories⁶⁰.
- 126.** An additional proof of the fake Algerian claims is what declared the chief of the Spanish government Arias Navarro on Jan. 28, 1976 before the Spanish Cortes concerning the Madrid agreement, as he said that Spain did only respect the will of the Sahrawi populations and the orientations of the United Nations. The Spanish government tried till 1974 to organize a referendum but gave up the idea when the international court of justice got involved. As for the sovereignty of the province, Spain respected the will of the Sahrawi populations under the article on the necessity to consult with the Sahrawis via their parliamentary body "Al Jamaa".⁶¹

60- «The issue of the Moroccan Sahara: Frequently Asked Questions» document prepared by the Ministry of Foreign Affairs and Cooperation, November 2015

61- Mohamed Lakhsasi, "4 Connected Approaches on Sahara Conflict", Al Ittihad Al Ishtiraki newspapers, n° 11327, p. 7-6, Wed. May 25, 2016.

X. Tenth illusion: The autonomy proposal is not serious and does not achieve self-determination
Not true, the autonomy plan was deemed serious and extensive regionalization was considered an advanced step

127. Morocco presented its autonomy proposal for the Sahara in 2007 to reach a political solution to this conflict, which constitutes an extension of the Cold War and regional conflicts of the time. This initiative reflects Morocco's determination to move forward in the process of resolving this conflict and to overcome the impasse, according to the recommendations of the UN Security Council.

128. Under the autonomy plan, the population of the Sahara will democratically run their local affairs through legislative, executive and judicial bodies that enjoy exclusive competences. Under the same plan, financial resources shall be allocated to these bodies.

129. Internationally, the autonomy proposal was encouraged, solicited and favored by the international partners of Morocco. For its part, the Security Council has highlighted the preeminence of this initiative, confirmed its seriousness and recognized its credibility in ten of its resolutions since 2007.

130. This recognition reflects the belief of the international community that the autonomy initiative constitutes a break with all previous plans, meets the parameters established by the Council to resolve the dispute over the Sahara and fully meets the principle of self-determination.

131. Morocco commits to the momentum triggered by the United Nations as part of respecting principles and immutable frame of reference upon which is based the Moroccan position, and which was reaffirmed by HM King Mohammed VI on Nov. 6, 2017 on the occasion of the Green March: “Firstly, ‘No’ to any solution to the Sahara question other than within the framework of Morocco’s full sovereignty over its Sahara and the Autonomy Initiative, which has been declared serious and credible by the international community; Secondly, draw lessons from past experience, for the problem is not so much finding a solution as determining the process that produces it; for this reason, all the parties that have concocted this dispute must fully shoulder their responsibility in order for a final solution to be reached; Thirdly, ensure full compliance with the terms of reference adopted by the UN Security Council when addressing this artificial regional dispute, for the Security Council is the only international body tasked with overseeing the settlement process; Fourthly, outright rejection of any transgression or attempt to infringe on Morocco’s legitimate rights or its best interests; rejection of any obsolete proposals designed to divert the settlement process from the set terms of reference, or to introduce or impose other issues which are dealt with by other relevant bodies.

132. The 4th UN General Assembly Committee adopted, on 15 October 2015, without a vote, a resolution supporting the UN political process for the settlement of the Sahara issue, and calls on the states of the region to fully cooperate with the Secretary-General, his Personal Envoy and with each other to achieve a political solution to this regional dispute. This resolution supports the negotiations process initiated by resolution 1754 (2007) of the Security Council

and supported by the Council's resolutions 1783 (2007), 1813 (2008), 1871 (2009), 1920 (2010), 1979 (2011), 2044 (2012), 2099 (2013), 2152 (2014), 2218 (2015) and 2285 (2016) in order to achieve a just, lasting and mutually acceptable solution to the Moroccan Sahara issue⁶².

133. The UN experience shows that there is not only one paradigm of self-determination. Throughout the years, the UN established flexible determinants of the principle of self-determination. Late King Hassan II underlined the relation between sovereignty and allegiance saying that "the Sahara has always been connected to Morocco with the ties of allegiance, for us sovereignty and allegiance are the same thing, without going back in history, Moulay Hassan, my great grandparent, reached Oued Noun but did not went far into the south. He sent his chamberlain carrying the monthly salaries to the region's senior civil servants. Moulay Abdelaziz did the same with this chamberlain who served under the two sovereigns."⁶³

134. Referendum was not mentioned in any basic text of the UN concerning self-determination⁶⁴. Nor has the UN charter mentioned referendum as a mechanism, in addition to the basic resolutions relating to self-determination (1514, 1541 and 2625) which do not mention referendum either. The same can be said about the latest resolutions on the Sahara conflict by the UN Security Council and the General Assembly.

62 - See «The resolutions of the UN Security Council since 0975,» Annex I of the book «Moroccan Sahara: 20 questions to understand,» Ali Achour, 1st edition, Rabat, October 2015.

63- Interview of King Hassan II with Jeune Afrique, N° 1239, issued on Nov. 27, 1985.

64- FAQs, Foreign Affairs Ministry, p. 11

- 135.** The two resolutions 1541⁶⁵ and 2625⁶⁶ of the General Assembly have broadened the interpretation of expressing self-determination by including other forms such as the free association with an independent State or the acquisition of any other political position.⁶⁷
- 136.** The UN Security Council considers the Moroccan Sahara issue as a regional dispute. Since 2000, the Security Council calls for a political, negotiated and mutually-acceptable solution to this regional conflict, given the difficulties that hindered the implementation of its previous proposals.
- 137.** Paragraph 2 of the UNSC resolution dated Apr. 27, 2018, sets the parameters which Morocco has always defended and which state that the purpose behind the political process is to reach a political, realistic, practical and durable solution to the Sahara issue based on consensus without linking it to any form of self-determination.

65 - Resolution No. 1541 (session 15) of the UN General Assembly on December 15, 1960. «Principles that should guide the Member States about the presence or absence of a commitment to send the information provided for in Article 73 of the Charter»

66 - Resolution No. 2625 (session 15) of the UN General Assembly on October 24, 1970. «Declaration of the Principles of the International Law on friendly relations and cooperation between States according to the UN Charter»

67 - For more details on the right of self-determination, see: «International legal aspects of the Moroccan Sahara», Dr. Abdelfadil Aqandil, Arrisala Printing House. Rabat 2006.

XI. Eleventh illusion: “The defensive sand wall is a racial separation wall and east of it are freed lands”

This is an erroneous and unfounded allegation. At no time, this wall has been described by the UN as “illegal” Moreover, movement is guaranteed through this wall and there are no freed lands east of it.

138. The defensive sand wall, as described by the report of the UN Secretary General on 20 October 1988 and subsequent reports, is not a separation wall, as free movement is guaranteed through this wall. Anyone can cross it through the “El Guergarate” crossing point.

139. At no time, this wall has been subject to any criticism in the UN resolutions and recommendations in general, and the reports of the UN Security Council in particular. In addition, no document of the UN Security Council or the General Assembly has referred to the wall as illegal.

140. The United Nations adopted the defensive wall as a line delimiting the areas of the arms embargo under the military agreement of 1988, and the areas that are part of the settlement proposals adopted by the Security Council in its resolution and accepted by the parties on 30 August 1988. These proposals were presented in the report of the UN Secretary General of 18 June 1990 and approved by the UN Security Council under resolution No 658 of 17 June 1990. Under these documents, the eastern part

of the defensive wall has come under UN responsibility⁶⁸ since the wall was one of the components of the adopted plan.

141. Resolution No. 2468 on the Sahara, ratified by the United Nations Security Council on 30 April 2019, is of particular importance, as it reflects a qualitative evolution on the level of the Sahara case, contains structural elements for the political process and clarifies the criteria for final resolution of this regional conflict. In the resolution, the Security Council designated the parties to the conflict and, for the first time since 1975, the Security Council refers to Algeria five times in the same resolution. The second paragraph of the resolution stated that the parameters of the solution must be “political, realistic, pragmatic, sustainable and consensual.” The same resolution referred to the word “consensus” at least five times, the term “realism” four times, while the terms used by opponents such as “self-determination” and “referendum” were absent in the resolution. Resolution 2468 also enshrines the route of round tables as “the only way” to reach a political solution to this artificial regional conflict.

142. In response to the resignation of the United Nations’ Personal Envoy to the Sahara, Mr. Horst Koehler, on 22 May 2019, the Secretary-General of the United Nations, Mr. Antonio Guterres, expressed his “deep gratitude to Mr. Kohler for his continuous and intensive efforts that have established the new momentum in the political process on the Sahara issue” Morocco regrets the issue of the resignation and at the same time reiterated its support for

68- A study prepared by Dr. Saeed Siddiqui, professor of international relations at the University of Fez, entitled «Desert wall: status and prospects,» published in September 2012 in the Journal of Borderlands Studies, issued by the Center of Borderlands Studies of the University of Victoria, Canada.

the United Nations efforts to settle the regional dispute over the Moroccan Sahara. A press release issued on 22 May 2019 concluded “the Kingdom remains committed to reaching a realistic, pragmatic and permanent consensus-based political solution in the framework of the Autonomy Plan initiative.

143. The repeated requests of the Polisario to deploy militarily in the Eastern area of the Wall up to the international Moroccan-Algerian border have always been rejected, although these requests have been made several times since 1991. Thus, referring to the report of the UN Secretary-General No S/ 404 of 19 May 1995, it is cited that the Polisario had objected to the suggestion that its troops be confined outside the Territory, while Morocco had refused to agree that the Polisario troops be confined in the area between the sand wall (berm) and the international border of the Sahara. This same request was made in the report of the UN Secretary General No S / 779 of 8 September 1995, but was again rejected. On 23 August 1995, Morocco sent an official letter reiterating its refusal. The UN Secretary General notified this refusal to the Security Council in a report dated on 8 September 1995, which means that any military presence of the Polisario in the area from the east of the wall up to the international borders with Algeria is contrary to international legality.

144. The report of the UN Secretary-General No S / 461 of 22 June 2000 sheds light on the request made by the Polisario to limit the return of the population of the camps to the area located East of the Wall at the implementation of the settlement plan, which implicitly means the inexistence of the latter in the eastern area of the Wall up to the international borders with Algeria.

- 145.** The 2000-km long berm or security wall has an exclusively defensive purpose. It was built between 1980 and 1987 and it represents a factor of peace and stability and a shield that protects against the threats that hover around the Sahel and the Sahara. It was erected to protect the right to life of civilians in the cities and the rural areas in the Sahara against aggressions and military operations. It is also part of a security framework aimed at fighting terrorism, transnational crime and drug, weapons and human trafficking. For this reason, the Moroccan Sahara is the safest area in the Sahel-Saharan region.
- 146.** The area located east of the wall is part and parcel of the Moroccan territory and under the Moroccan sovereignty. It was placed under the UN responsibility in 1991 to facilitate the implementation of the ceasefire by the MINURSO, therefore the defense structure does not constitute a frontier.
- 147.** Any presence of the Polisario in this area constitutes a breach of the military agreement concluded under the auspices of the United Nations. Late King Hassan II had notified former UNSG Javier Pèrez de Cuèllar on Sept. 3, 1991, about the infiltration of some armed members of the Polisario to the said region, urging him to take the necessary measures to solve the problem and affirming that the Kingdom of Morocco has the right to take all necessary steps to preserve security and peace in its territory.
- 148.** The UN considers the existence in the restricted area of people in military uniform or bearing military symbols as an act of provocation. Therefore the MINURSO should

be informed in case a protest took place in this area. Paragraph 28 of the UN Secretary General Report on Western Sahara of April 19, 2005⁶⁹ clarifies that the MINURSO should be informed in advance of such protests and that the participation of armed military men in such protests in the restricted area is a violation of the military agreement Number 1. In this respect, the organizers of such protests should not bring weapons to this area or wear military uniform or paramilitary uniform so as to avoid any potential provocations.

149. Morocco is very active vis-à-vis the family visit exchange program between the populations of Tindouf camps and the southern provinces of the Kingdom. It should be noted that Morocco was the first to give its consent to the initiation of this program between Sahrawi families, which started on 5 March 2004 under the auspices of the High Commissioner for Refugees and with the logistical support of MINURSO. The US committee for Refugees and Immigrants stressed in its 2009 report under the title “Stonewalling on refugee rights: Algeria and the Sahrawi” that “the biggest obstacle to the visit exchange is the reluctance of Algeria to allow these visits to be carried out on land”⁷⁰.

150. The family visit exchange program was a great humanitarian and political success. The UN Secretary-General noted in his report of 10 April 2015 that the program is underway and that 20,699 people have benefited since 2004, including 997 in the first half of 2014. Morocco has introduced an

69- Report of the UN Secretary General N° S/2005/254

70- « Stonewalling on refugee rights: Algeria and the Sahrawi », US. Committee for refugees and immigrants, 2009, P. 7. file:///C:/Users/user/Downloads/USCRIreport-Refugees20091%20(1).pdf

efficient policy in favor of people who have voluntarily joined Morocco, providing psychological support, training and the necessary aid to promote their social, economic and professional integration.

151. In 2016, Morocco voiced its flat refusal of the presence of polsario in the Guerguarate zone, and the UN has supported this position in UNSC resolution dated April 2018 wherein it urged the polsario to immediately withdraw from the zone. Morocco deemed that the polsario's provocations threaten the ceasefire declared in the Sahara since Sept. 6, 1991, violate UNSC and UN resolutions, and seriously undermine the political process under way under the exclusive auspices of the UN in March 2018.

152. In 2018, while the polsario was trying to move administrative and military units to the zone east of the wall, Morocco rejected this situation and in UNSG report on the Sahara, presented on March 29, 2018 to UNSC member states, particularly in paragraph 80, the secretary general urged the polsario, as he did in April 2017, to withdraw from the buffer zone. In this regard, HM King Mohammed VI sent a message on April 4, 2018 to the UNSG, in which he expressed Morocco's clear, firm and flat refusal of polsario's provocations and incursions in the region, adding that if the international community, the UN and the UNSC do not shoulder their responsibilities, Morocco will shoulder his to stop this change and challenge to international law and UN resolutions, and halt this threat to peace and stability in the region.

153. The UNSC reacted in a positive way to these developments and supported the Moroccan position. It called upon

the polsario front, in its decision n° 2414 dated Apr. 27, 2018, to stop moving its administrative facilities to Bir Lahlou and urged it to refrain from similar destabilizing acts. The Council also enjoined the polsario to withdraw immediately from the Guerguarate, which exposed the illusion of the existence of free lands under the polsario's authority. In fact, the said lands are under the MINURSO's responsibility.

- 154.** The vote by the foreign affairs committee at the European parliament, on Nov. 21, 2018, on the European agreement signals the fall of the illusion of freed lands east of the defense structure and separatists' claims that the said territories are under their responsibility. The vote is in line with the UN's assertions that any act undertaken by the separatists is a provocation to Morocco and that they should refrain from it. The position of Morocco in this regard is firm given that this region is a Moroccan territory the Kingdom transferred its responsibility to the MINURSO.

XII. Twelfth illusion: Algeria is a neutral party in the conflict and plays no part in its prolongation

This is a big lie since Algeria's financial and military support is decisive and of paramount importance for the existence of the polisario. The non-involvement of Algeria in solving the dispute is the cause behind its continuation

- 155.** In 1976, Algeria started supporting the project of the polisario republic and played a major role in making many countries recognize this fake entity. It backed the inception of the separatists' entity over the land of Oued Eddahab in the year 1979, thus hampering the settlement of the dispute which has been running for over 40 years. King Hassan II had affirmed that "In truth, the tragedy of Morocco is that it had to deal with two colonizers: the Spaniards and the French. If we have had the chance to deal only with one, we would have finished our business from north to south. Unfortunately, we had to negotiate the unification of Morocco piece by piece. After the recovery by Morocco of Tarfaya [10 April 1958] and Sidi Ifni [30 June 1969] from Spain, the vast region of the Sahara remained. We submitted the issue to the United Nations following our independence. At the time, there was neither Algeria nor Mauritania, and the notion of "party concerned" or "interested" appeared later. The result is that what was clear and should have been settled bilaterally between Morocco and Spain has become like a magic or rather an evil wand stroke and has become a case of expansionism, massacre, genocide."⁷¹

71- Interview of King Hassan II with Jeune Afrique, N° 1239, issued on Nov. 27, 1985.

- 156.** What exposes the Algerian position is that it was ignoring movements of liberation that spoke against the Spanish occupation of the Sahara because they had a nationalistic position in favor of the return of Sahrawi provinces to their homeland Morocco. The Algerian leaders' decision to re-structure the polisario in accordance with its separatist plan is an essential stage in a military-political strategy that tends to justify the Algerian military interference in the Moroccan Sahara, following the launch by Late Hassan II of the Green March in 1975⁷²
- 157.** Algeria helped create and support the promotional project of the separatist republic. It supported the polisario financially, provided military assistance and used its diplomacy to advertise for this phoney entity. Algeria brought the demands of this front, which calls a "state", to the different international and provincial forums, despite the fact that it does not possess any of the legal requisites laid down in the international law to make up a sovereign country.⁷³
- 158.** One of Algeria's plots to back up the polisario, and gain its recognition by a number of countries, is to try to convince the African Union Organization, in 1982 in a strange way, to accept the polisario front as a member state. This Algerian scheme was countered by Morocco which was against it and foiled it. In 1984, Algeria made the same attempt and succeeded in convincing some African countries to vote for the membership of the polisario in the Pan-African

72- Mohamed Lakhsasi, "4 Connected Approaches on Sahara Conflict", Al Ittihad Al Ishtiraki newspapers, n° 11327, p. 7-6, Wed. May 25, 2016.

73- See Abdelah Laraoui, open letter to Lotfi El khoulî on the Moroccan Sahara matter, from the editor May 1977, P. 47-54

organization. Without the support of Algeria for this so-called entity, the polisario would have never joined the African organization. Algeria mobilized its entire diplomatic means and provided the polisario front with high tech weapons. It also invested some of its oil revenues to assist some African countries and bring about their recognition of the separatist thesis. Many times, Morocco found itself confronted with the Algerian diplomacy, especially in international and provincial forums.

159. Among the proofs of the Algerian unconditional support for the polisario, there is the UN 2001 report which revealed that Algeria opposed the political solution in the Sahara issue. In 2002, a UN report affirmed that Algeria welcomed the division of the Sahara between Morocco and the polisario, a proposal that Morocco flatly rejected as an idea based on the separatist project. This same position was expressed by Morocco in 1979 when it categorically rejected the possibility of the polisario controlling the Dakhla-Oued Addaheb region that belonged at the time to the homeland.

160. 1-To confirm Algeria's ill-intention in defending the principle of "self-determination" there its stance against the Vietnam's division during the Vietnam war. Its argument was that the Vietnamese people in the north cannot be separated from their brothers in the south. Such sound argument should have been used as a principle also in the Moroccan Sahara issue.

2- How can we explain Algeria siding against division in the Vietnamese case and in favor for the unity of the Vietnamese people while it is sticking to self-determination in the case of the Moroccan Sahara? The stance of Algeria

on Mauritania's 1979 coup should also be remembered as should its support for handing Dakhla-Oued Addahab to the Polisario front. In addition, Algeria is continuously provoking Morocco at the UN and the UNHRC, and it refused to conduct a headcount of the populations in the Tindouf camps. The latest of Algeria's interferences is its opposing of Morocco's return to the African Union under the pretext that the kingdom should change its constitution and amend the article on borders.

- 161.** This artificial conflict over the Moroccan Sahara was backed and funded largely, at the diplomatic, financial and military levels, by Algeria as being the sponsor of the Polisario front. This fact was exposed by the UNSG in his reports; in addition, Algeria was in favor of dividing the Sahara and refused the autonomy proposal, all to target Morocco's territorial unity.
- 162.** For decades, Algeria remained faithful to conspiracies and diplomatic war against Morocco and its territorial integrity. Its declared goal was to foil any political solution to the artificial conflict which it helped create. Its goal was also to promote the separatist project and find other places in the world to advertise it. The Algerian government can no longer continue hiding its real objectives of creating a puppet state for the sake of achieving economic interests and political and strategic guarantees. Besides, Algeria is operating according to a well-devised plan that would help out a group serving its interests and that would not hesitate in the future to join Algeria and ask for territorial unity with it.⁷⁴ Morocco opposed this and was armed with all

74 - For more details check Abdelah Laraoui, open letter to Lotfi El Khouli on the Moroccan Sahara matter, from the editor May 1977, P. 47-54

instruments of the international law. The main goal of the Kingdom being the preservation of the Moroccan Sahara, the only appropriate and serious solution to this issue was the autonomy proposal put on the table by Morocco in April 2007, and about which HM King Mohammed VI said, anniversary in his speech on the 42nd Green March: “No to any solution to the Sahara question other than within the framework of Morocco’s full sovereignty over its Sahara and the Autonomy Initiative, which has been declared serious and credible by the international community.”⁷⁵

- 163.** In October 1974 during the Arab Summit in Rabat, Algerian president Houari boumediene commented on the Sahara issue, on behalf of his country that “for me, there is no Sahara problem, Algeria considers that this question is a pure Moroccan-Mauritanian issue.” However, Algerian officials brought up later the thesis of self-determination where everything started. This is the century’ biggest scam.⁷⁶ Mohamed Bejaoui, a law expert who would become Algeria’s foreign minister between 2005 and 2007, said in a presentation at the international court of justice the following: “how can Spain claim that the Sahara was inhabited by savages and uncivilized people while the region was known for its ruling dynasties that had largely contributed to the Spanish-Moriscos civilization”, adding that the people’s resistance in the region, which emerged throughout centuries, took concrete substance by late 19th century due to the influence of religious leaders.⁷⁷

75- Extract of HM King Mohammed VI’s speech on the 42nd Green March

76- Interview of King Hassan II with Jeune Afrique, N° 1239, issued on Nov. 27, 1985.

77- Memoirs, Advocacy and Documents, Western Sahara, International Court of Justice, Volume 4 page 481

- 164.** Despite historical, legal and political evidence, Algeria is still casting doubts on Morocco's territorial integrity and inventing false allegations to support the separatist thesis. But Morocco is in its Sahara and the Sahara is in its Morocco. Morocco is unanimous and united on its right and proposes the political solution under the leadership of HM Mohammed VI and the cohesion among all segments of the Moroccan people.⁷⁸
- 165.** Morocco has imposed, through the first roundtable held on December 5 and 6, 2018 at the Palais des Nations, Geneva, on the regional dispute over the Moroccan Sahara, Algeria presence on the table of direct negotiations called by UN envoy Horst Koehler in the presence of the parties. The same thing happened during the round table held on 21 and 22 March 2019. According to the UN envoy, the first round table succeeded in agreeing all participating countries that regional cooperation and integration are the best way to address the many important challenges facing the region. For the first time, all the parties concerned were present and actively involved in the debate, including Algeria, which was shirking its responsibilities and considered itself a "neighbor country" or merely an "observer". The two round tables followed the resolution 2440, which in its second paragraph of this Round Table identified a specific objective of a practical, realistic and consensus-based solution.

78- Laayoune Declaration on April 9, 2018.

XIII. Thirtieth illusion: the polisario represents the Sahrawi population

This is a huge illusion. How can we talk about Sahrawi population in the Moroccan Sahara and not the population in the eastern Sahara? Moreover, there is no census of the Tindouf camps' population and there have never been any elections in this area, while the southern provinces witnessed a series of elections as the 2015 communal and regional elections and the 2016 legislative elections.

- 166.** The concept of “Sahrawi people” as advanced by the enemies of the Kingdom’s territorial integrity is a great fallacy and is null and void. Historically speaking, this concept has never been elaborated, and, given the historical, religious and cultural relations between the Sahrawi inhabitants and the rest of Morocco’s inhabitants, we cannot speak about the concept of Sahrawi people but rather about the Sahrawi population. How can we talk about the Sahrawi people in the Moroccan Sahara and not the people in the eastern Sahara? law expert Mohamed Bejaoui, who would become later on Algeria’s foreign minister, used in his presentation on the dispute at the international court of justice the term “population” and not “people”.⁷⁹ In this regard, the response of late King Hassan II was decisive, in his speech on Nov. 6, 1985 on the occasion of the 10th anniversary of the Green March,

79- Memoirs, Advocacy and Documents, Western Sahara, International Court of Justice, Volume 4 page 481

when he said “If there are a western Sahara people, why don’t we have a people in the central or eastern Sahara whom are different from the concerned countries’ people. Why this desire to create an isolated exception in the western part of the Sahara, with a people with their own authenticity, traditions and sovereignty. I am asking this question for a simple reason which is, as I said before, I do not want to engage in pointless debate on this matter. The second observation I want to discuss is about an alleged national liberation movement called the polisario. I do not need to go back in history given that this province was under the Spanish colonization. The committee voted on resolutions related to this province prior to 1975 and the said body never heard of a national liberation movement fighting against a country that was colonizing not only these provinces but also other parts of Morocco.”⁸⁰

- 167.** There is a big confusion spread by the polisario, along with Algeria, about the Sahara population. It deceitfully spreads allegations to confuse the population of the Moroccan southern provinces, who integrated, after the independence, voluntarily and democratically its homeland in 1975, thus crowning a long fight for liberation (1957-1975), with the Moroccan Sahrawi population who forcibly kept by the Algerian army when it occupied parts east of the Moroccan Sahara between Nov. 1975 and Apr. 1976 and held in captivity, using military force, in the camps of Tindouf until now.⁸¹

80- Book of 10th Green March Anniversary, series of Sahara Books, issue N° 12, published by communication ministry, Nov. 2015.

81- Mohamed Lakhsasi, “4 Connected Approaches on Sahara Conflict”, Al Ittihad Al Ishtiraki newspapers, n° 11327, p. 7-6, Wed. May 25, 2016.

- 168.** The Sahara population has its representatives. They are mainly members of elected communal, provincial and regional councils, in addition to MPs for the southern provinces in the two houses of parliament. The population has chosen its current representatives through communal and regional elections in 2015 and legislative elections in Oct. 2016.
- 169.** The Polisario front does not enjoy an important international recognition, which means that it has no right in pretending that it does represent the Sahrawi population. The Polisario has no right in speaking on behalf of the Sahrawis or in putting itself as their representative. In addition, the international court of justice did not recognize the Polisario as a representative for the population.
- 170.** There are no elections that are being held in the Tindouf camps. The Polisario follows the unique party system where there are no political parties or elections to choose officials in charge of running the population's affairs. Also, there is no civil society or free speech given that the Polisario adopts the regime of one party, one person. All this nonsense is taking place under the sponsorship of Algeria, all the more so because the Sahrawis have never voted for this entity in democratic elections. On the other hand, the Moroccan Sahara population is participating in the different legislative and communal elections held throughout Morocco. The turnout in the 2015 communal elections reached 79% in the Sahara, against 53% at the national level. In addition to the fact that elections are completely inexistent in the camps, no census was conducted by the UN for the populations held against their will in the said camps.

171. Among the strong points scored during the Moroccan participation in the round table in Geneva on the Sahara issue on 5 and 6 December 2018 and thereafter, was the balanced presence of Sahrawis among the members of the official Moroccan delegation participating in the round table, namely the presence of the legitimate representatives of the Sahara to speak on behalf of the population who elected them for the presidency of regional councils to highlight the developmental landscape of the southern provinces, free and democratic political participation, the role of civil society and young people. The participation of the elected members of the southern provinces, under the auspices of the United Nations, is dedicated to their status as legitimate spokesmen in the name of the Sahrawi population, which is currently managing its affairs within the regional framework. Sidi Hamdi Ould Errachid, President of the Council of Laayoune-Saïia El Hamra, Ynja Elkhattat, President of the Council of Dakhla Oued Eddahab, and Mrs. Fatima El Adly, member of the Municipal Council of Semara and the first elected Sahraoui woman since 1992, were the best witnesses before their interlocutors. For this strong dynamic defined by the southern provinces of the Kingdom. This roundtable was suitable for the legitimate representatives to make the voice of the local population heard and express their expectations and adherence to the autonomy initiative, and to highlight the dynamism launched in the region thanks to the new model for the development of the Southern Regions.

XIV. Fourteenth illusion: Morocco's return to the African Union is a recognition of polissario

A wrong assumption that does not explain Algeria's opposition to the return of Morocco to the African Union. Moreover, the international law lays provisions governing the recognition which should follow a special bilateral legal and diplomatic procedure.

- 172.** On Jan. 31, 2017, Morocco decided to take back its seat as a member state in the African Union after it withdrew from the organization of African unity on Nov. 12, 1984 due to the recognition by a majority of the organization member states of the membership of the polissario. In the message sent by HM King Mohammed VI to the 27th AU Summit in Kigali on July 17, 2016, the sovereign reaffirmed that: "when it withdrew from the OAU, Morocco never left Africa. In 1984, it simply left an institution in very special circumstances." HM the King added in the same letter that "with respect to the Sahara issue, institutional Africa can no longer bear the burden of a historical error and of a cumbersome legacy. Surely the African Union is out of step with international law since this so-called state is not a member of the United Nations Organization, nor of the Organization of Islamic Cooperation, the Arab League or any other sub-regional, regional or international institution. As it is, the AU is the only organization prejudging the outcome of that process. Through newfound neutrality, however, it could make a constructive contribution to the achievement of that solution."⁸²

82- Extract of message of HM King Mohammed VI to the 27th AU summit in Kigali on July 17, 2016.

- 173.** Morocco sent a strong message to the OAU when it withdrew from it in 1984, stating that the recognition of the Polisario as a member in the body is a historic mistake given that it is an entity with no sovereignty. This situation was to be corrected in the future and the process has been going on for years. Among the 26 African countries that sided with the separatists in 1984 and recognized this fake entity, only a few remain.
- 174.** Morocco's decision to return to the AU gave some the idea that this return is a recognition of the phoney entity that wants sovereignty over the Moroccan Sahara without any historical or legal reasons. The recognition by any country of another entity is governed by a special bilateral legal and diplomatic procedure, otherwise there would be member states in the UN that do not recognize each other. It is also a matter of implementing a number of legal provisions known at the international level. This is why three quarters of the UN member states does not recognize the fake entity.
- 175.** According to a press release during the weekly cabinet meeting on July 26, 2018, it was officially declared that it would adopt the procedure in force concerning African agreements, on the occasion of the approval of draft law N° 55.18 on banning the importation of dangerous waste to Africa and supervise its movement through the African border in Bamako (Mali) on Jan. 30, 1991. The documents on Morocco's adherence to this agreement is accompanied by the following explanatory declaration: "The adherence of the Kingdom of Morocco to the Bamako agreement on banning dangerous waste importation to Africa and supervising its movement through the African border

cannot be interpreted, in any case, as a recognition by Morocco of an act, reality, situation or entity which is not recognized by the Kingdom and which might undermine its national and territorial integrity. This procedure foiled any instrumentalization of Morocco's membership in the OAU to prejudice the national cause. The government had already approved two draft laws; the first is N° 37.17 and is related to the frontiers of provincial waters and the second is N° 38.17 and concerns the exclusive economic zone that stretches over 200 miles of shoreline on July 6, 2017. Thus the ocean next the Sahrawi shores was included in the Moroccan south.

In addition, the documents related to Morocco's joining the OAU were included to the Pan-African organization's agreement against corruption, which was approved at the 2nd session of the AU conference held in Maputo Mozambique on July 11, 2003, and which was approved by the government council on Oct. 10, 2018 by the following explanatory declaration: "The adherence of the Kingdom of Morocco to the AU agreement against corruption cannot be interpreted, in any case, as a recognition by Morocco of an act, reality, situation or entity which is not recognized by the Kingdom and which might undermine its national and territorial integrity.

- 176.** According to analysts and experts in African affairs, whom are from all over Africa including south Africa, the decision of Morocco to return to the AU and take back his seat inside the Union is a diplomatic victory, all the more so because Morocco has good and historical relations with most of African countries, whether at the political or the economic levels.

- 177.** There are those who imagined that the return of Morocco to the AU will stop the wave of polsario recognition withdrawal, but in reality, the opposite happened with the continuation of recognition withdrawal from this fake entity as it is the case of Malawi, Zambia and south of Sudan.
- 178.** Among the achievements of Morocco after returning to the AU is the fact that it used its presence within the Union to convince the African countries and clarify the true nature and the history of the fake polsario front. This return also enabled concluding strategic win-win partnerships with the AU member states and African provincial groups.⁸³
- 179.** If Morocco's return to its African family is recognition of the polsario front, why did Algeria oppose it so strongly? If Morocco's AU return equaled recognition of the puppet entity, Algeria would be the first to welcome it. The truth is that Algeria made every effort and used all its African connections to stop the return of Morocco to the Union but failed to undermine Morocco's just cause.
- 180.** Some may ask: what did Morocco and the Sahara issue gain from returning to the AU? Facts affirm that by going back to the Union, Morocco was able to put an end to the exploitation by the polsario and Algeria of this African bloc to advertise for the separatist project at the United Nations. When Morocco was outside the Union, the polsario was receiving the UN messages on behalf of Africa since the memorandum of April 2015. This state of affairs

83- Speech of HM King Mohammed VI at the opening session of the first summit of heads of state and government of Congo Basin Climate commission and Congo Basin Blue Fund

ended with Morocco's recovering its AU seat. Morocco also succeeded, using the diplomacy of attending the AU events, in strengthening the list of countries withdrawing their recognition of the phoney entity.

181. The momentum created by Morocco inside the African union after re-joining it convinced the organization in 2018 of the need of participating in searching for political solution to the artificial conflict over the Sahara, under the UN aegis. The AU summit, held in Nouakchott in July 2018, helped made a breakthrough for Morocco on the Moroccan Sahara issue as it prioritized the UN process in managing the Moroccan Sahara issue. Paragraph 20 of the report underlined "the necessity for the AU to support the UN efforts to increase its chances of success. In other words, the AU would not be developing another process in parallel with the UN one."

182. It is known that the African trade area is built on the regional gatherings in the continent. Thus, if we take the Arab Maghreb Union (AMU) we find that Algeria is a member state while the bloc does not recognize the separatist republic. This is the answer to anyone saying that Morocco's return to the African Union is recognition of the polisario. One might even ask if Algeria's AMU membership is itself a denial of the existence of the polisario? In this regard, Morocco considered that the entry into force of the African Free Trade Area Agreement (ZLECAF) on 30 May 2019 was a great event, coming in line with Morocco's ambitious policy at the African level. Morocco was the first to call for the establishment of a free trade zone enabling the boosting of trade in the African Union to 52% by 2022. Morocco has signed more

than 1000 bilateral agreements with the continent over the past 20 years.

183. Morocco is striving to solve the artificial dispute over the Sahara, using all diplomatic means, and is also endeavoring to convince states and the United Nations that the Polisario's project is a failed separatist plan created and backed by Algeria; and these efforts are starting to bear fruits.

184. The African Ministerial Conference on African Union Support for the United Nations Political Process on the Regional Dispute on the Moroccan Sahara, held in Marrakesh on March 26, 2019, was attended by 37 countries, including countries whose positions from the Sahara have developed in recent years. The final communiqué concluded that the only path to dealing with the issue of the Sahara is through the umbrella of the United Nations, with the emphasis that there is no room for any parallel course or side initiatives. And that Nouakchott's decision states that the African Union, like all other organizations, must follow the UN track and support the UN resolution.

XV. Fifteenth Illusion: “The Saharawi cultural heritage is being destroyed”

This is false as Morocco has managed to protect and promote the Hassani Sahrawi culture.

185. Morocco has endeavored to protect and promote the Hassani Sahrawi culture, as it was recognized by the Constitution which provides for its preservation, protection and promotion as an authentic cultural component of the Moroccan identity.

186. Cultural and artistic events are held annually in the southern provinces to promote the Hassani Sahrawi culture (Hassani Poetry and Song Festival, Tan-Tan festival ...). They have become annual events to enhance the Hassani heritage. It should be noted that the Tan-Tan festival was recognized in 2005 as intangible heritage of humanity.

187. Public media has produced a wide range of programs to promote the Hassani Sahrawi culture, through the regional channel of “Laayoune”, created in 2004. The channel enjoys a large audience in the Greater Sahara region (According to the results of the national census, Hassani-dialect speakers are estimated at 0.9 % of the population). The channel specifications state that “this channel adopts a generalist and diverse programming, mainly in the local dialect, for the population of the southern provinces of Morocco. It provides proximity information and gives priority to covering local and regional events”. This channel is also meant to promote and disseminate intellectual and artistic creativity, especially music, regionally. It also contributes in promoting cultural and linguistic diversity

that distinguishes the southern provinces. This channel also adopts an open call for tender system that allows the Hassani Sahrawi production companies to present their programs.

- 188.** The project of the Saharawi heritage museum in Dakhla was initiated with support from the Cherifian Phosphates Office, the National Human Rights Council and the South Development Agency.
- 189.** The National Human Development Initiative (French acronym INDH) has funded 116 cultural projects in the region between 2007 and 2012.
- 190.** The Centre of Saharawi studies, under the Mohammed V University in Rabat, was established in 2013 at the initiative of the National Human Rights Council (CNDH), the Cherifian Phosphates Office and the South development Agency to encourage scientific research on the Sahara, contributing to preserve the memory and carry out practical research on areas of historical, social and cultural knowledge in the southern provinces.
- 191.** The promotion of the production of documentary films on the Hassani Sahrawi history and culture was institutionalized in 2014 with an annual budget of 15 million dirhams through an independent commission.
- 192.** The National Festival of Documentary on Hassani Sahrawi Culture and History was initiated in November 2015 in the city of Laayoune to promote the Hassani Sahrawi culture and encourage documentary film productions interested in Hassani culture and history.

- 193.** Several projects for the preservation and protection of the archaeological heritage in Smara and Dakhla were initiated under the auspices of the Ministry of Culture.
- 194.** Reinforcing the Hassani content in national audio-visual programs, including the Moroccan news agency.
- 195.** Two regional committees of the Moroccan office of author rights were established in Laayoune and Dakhla in order to preserve and promote artistic and cultural creativity in the region.

Appendix

Special Committee on Decolonization and the Moroccan Sahara issue

What is the position of the UN General Assembly's Special Committee on Decolonization about the Moroccan Sahara issue?

Response in eleven points:

Firstly, in 1963, Morocco submitted a request to the United Nations in which our country demands an end to the Spanish colonization.

Secondly, while the Security Council is the exclusive entity working on solving this issue, it does not refer in its resolutions to what is issued by the General Assembly; the last resolution Number 2440 is a concrete example.

Third, Article 12 of the United Nations Charter states clearly that "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests". Which is not applicable in this case, therefore there is no referral in its resolutions to the General Assembly, thus the General Assembly deliberation on this matter is a clear violation of Article 12.

Fourth, the decolonization process took place in 1975, what we are witnessing today is a fragmentation and partition project that exposed itself in February 2002, when the UN Secretary General back then revealed that Algeria and the Polisario Front opt for the division of the Sahara option, which Morocco has fully rejected.

Fifth, if it were a decolonization case, the ICJ International Court of Justice would not have recognized loyalty links between the Sahara Tribes and Morocco.

Sixth: Decolonization started in the fifteenth century against Portugal and the British, then against Spain after 1884. Morocco's sovereignty has been documented by more than 12 international agreements, and its record includes more than 50 battles in which the blood of martyrs from the north were mixed with those from the south, various Moroccan tribes led the same battles. The battles spread to the outskirts of Marrakech.

Seventh: The Sahara tribes renewed in the conference of Oum Chegag their engagement in the decolonization of the Moroccan Sahara in March 1956 under the leadership of His Majesty late King Mohammed V, may his soul rest in peace, and visiting him in Rabat in May 1956.

Eighth: The fall of the illusion of decolonization was a decisive factor in the withdrawal of 47 countries their recognition of the alleged republic, which made the separatist project isolated after being rejected by more than three quarters states of the world.

Ninth: The definition of the "occupying power" concept is defined clearly by the Hague Resolution of 1907 and the Fourth Geneva Convention of August 12th, 1949, which state that the "occupying power" refers to the colonization of the territory of a state that already exists during an international armed conflict. As it is the case with the Moroccan Sahara where there was no state in the past.

Tenth: Morocco has repeatedly stated, and most recently, with the Ambassador and Permanent Representative of Morocco to the United Nations, Omar Hilal, on Tuesday October 16th, 2018, in New York, that "the permanent presence of the issue of the Moroccan Sahara on the agenda of the Fourth Committee is a flagrant violation of the Charter of the United Nations. Therefore, the UN body must withdraw this case from its agenda." It is "the only issue that remains under discussion and decision of the Fourth Committee, which has been handled by the Security Council since

1988”, that is a historical “paradox” and a violation of “Article 12 of the Charter of the United Nations”.

Eleven: Fifteen years ago, the United Nations have adopted the option of seeking a realistic political solution based on compromise. It is to mention that the former United Nations Secretary-General’s Personal Envoy for Sahara Peter van Walsum has openly declared that separation is an unrealistic option.

Conclusion

These are truths that are grounded in history and facts to debunk the illusions surrounding the enduring regional conflict. These illusions have been built on sand and cannot hold in front of the justness of the Moroccan position which has been reinforced by the autonomy proposal within the framework of the Kingdom's territorial integrity.

This proposal was met with acclaim by the international community as a solution to the conflict in a way that shows that the right understanding is a battle that is not less important than the battle of forging ahead with the economic and social development of the Moroccan southern provinces.