

*The Permanent Mission
of the Kingdom of Morocco
to the United Nations
New York*



البعثة الدائمة للمملكة المغربية
لدى الأمم المتحدة
نيويورك

New York, April 13th, 2018

Excellency,

In anticipation of the Security Council's consultations on the Moroccan Sahara next Tuesday, I have the honor to forward to your Excellency, here attached, an aide-memoire containing elements on the various aspects related to this issue.

In this regard, I would like to draw your kind attention to the seriousness of the current situation in the area at the East of the security structure. Indeed, "polisario" is trying to change the status of this area, which was handed over to the United Nations, by Morocco, when the ceasefire came into force in 1991.

Indeed, "polisario" has announced its intention to move its "administrative" structures East of the security structure and to set up nine new fixed "military" sites. This constitutes a flagrant violation of the Military Agreements and the ceasefire.

Moreover, "polisario" refused to receive the Special Representative of the Secretary General for the Sahara and Chief of Minurso, Mr. Colin Stewart, by requiring him to have the meeting in the area East of the security structure and not in the Tindouf camps, as was the practice with all his predecessors since the establishment of Minurso.

Also, "polisario" maintains its illegal presence in Guergarate, in flagrant violation of the Military Agreement No. 1, while it withdrew from it in April 2017, under pressure from the Security Council. The return of "polisario" to Guergarate is a manifest defiance of the authority of the Security Council.

These actions and provocations of "polisario" threaten the peace and stability of the region, violate the ceasefire and endanger the political process. This is why Morocco calls on the responsibility and the firmness of the Security Council and its members to send a strong and clear message to "polisario" by:

- * Condemning the actions and violations of "polisario";
- * Demanding its complete, immediate, unconditional and permanent withdrawal from these areas;
- * Forbidding it from undertaking any measure that changes the status of the entire area East of the security structure.

Please accept, Excellency, the assurances of my highest consideration.

Ambassador Permanent Representative

Omar Hilale





**Aide-memoire on the regional dispute over the Moroccan Sahara in anticipation
of the Security Council consultations of 17 April 2018**

I. The grave developments taking place in the area East of the security structure in the Moroccan Sahara

• For several months, the other parties have escalated their violations of the ceasefire and the Military Agreements in force, carrying out very serious acts of provocation that seriously threaten peace, stability and security in the region and undermine any chance for the relaunch of the political process.

• These include, in particular:

1. The refusal of “polisario”, for five months now, to officially receive the SRSO Colin Stewart, in the Tindouf camps, like all his predecessors, and the blackmail imposed on him to be received in the East of the security structure. Such a blackmail is also exercised on the MINURSO officers to meet the leaders of “polisario” in the area East of the security structure.

2. The letter sent by “polisario”, on March 24, 2018, to the Force Commander of the Minurso, informing him of the decision to set up fixed “military sites” in the area East of the security structure and the implementation of this decision through construction works, in flagrant violation of the Military Agreements in force.

3. The public declarations of “polisario” announcing the transfer of the “administrative, civil and military” premises, from the Tindouf camps in Algeria, where they have always been established, to the area East of the security structure.

4. The continued illegal presence of the armed elements of “polisario” in the Guergarate buffer strip, in flagrant violation of the Military Agreement N.1. This is an inadmissible defiance of the Security Council, the UN and the SG. The latter has repeatedly demanded the full respect of the status quo and free movement in the Guergarate buffer strip.

• His Majesty King Mohammed VI, May God Assist Him, sent on 4 April 2018, a written message to the Secretary General of the United Nations, Mr. Antonio Guterres, which was handed to him by the Minister of Foreign Affairs and International Cooperation, and which presents these grave and inadmissible acts of violation by “polisario”. His Majesty The King has expressed to the Secretary General Morocco's clear, firm and determined rejection of these incursions and acts of provocation.

• While handing the Royal Message to Mr. Guterres, the Minister displayed evidence of these violations by “polisario”.

• It should be recalled that on the eve of the entry into force of the ceasefire, in September 1991, under the supervision of the United Nations, the area East of the security structure in the Moroccan Sahara has been voluntarily arranged by Morocco, in joint agreement with the UN, so as to be devoid of any civilian or military presence, in order to reduce tensions between Morocco and Algeria and avoid the resumption of hostilities.

• The Kingdom of Morocco has, then, agreed with the United Nations, that the one and only presence in this area East of the security structure in the Moroccan Sahara is, and will remain, that of Minurso, in order to consolidate the ceasefire. These facts are duly recorded in the various exchanges between Morocco and the United Nations and through the interaction of my country with the members of the International Community.

- In this respect, it should be emphasized that:

- The Status of Mission Agreement of Minurso (SOMA) is a binding legal instrument, signed between Morocco and the UN. It forms the basis of the presence and action of the Minurso in the Moroccan Sahara. The Agreement must be scrupulously respected by Minurso.

- Separate agreements have been signed between the UN and Algeria regarding the presence of Minurso in the Tindouf camps, and between the UN and Mauritania, with regard to the Minurso's facilities in this country.

- No SOMA exists between the UN and "polisario", confirming that the latter neither has nor can have authority or control over any part of the Moroccan Sahara. The activities of Minurso are in interaction with Morocco, Algeria and Mauritania.

- SOMA states in paragraph 1.b. that the mission area covers the entire territory of the Sahara, without distinction of any kind ("*Mission area means for the purpose of this Agreement the territory of western sahara and designated sites in Morocco for the conduct of Minurso activities*"). In addition, paragraph 9 of the same Agreement stresses that no flag, apart from the UN flag, may float in the mission area without the agreement of Morocco ("*The Government recognizes the right of MINURSO to display within the mission area the United Nations flag on its camps or other premises, vehicles, vessels and otherwise as decided by the Special Representative. Except for the United Nations flag, other flags or pennants may be displayed only in exceptional cases with the Government's consent*").

- This new escalation by "polisario", of extreme gravity, has the unacceptable and illegal objective of changing the reality on the ground and altering the status quo in the Moroccan Sahara. Morocco will never allow this. The relocation of any "polisario" structure, be it "civil, military, administrative", or of any kind or nature whatsoever, from the Tindouf camps in Algeria, to the East of the security structure in the Moroccan Sahara, constitutes a casus belli.

- The Kingdom of Morocco urges the Security Council to call on the other parties to cease their actions that are detrimental to regional peace, stability and security. The Security Council is called upon to use its authority to enforce compliance with the ceasefire and Military Agreements and to demand "polisario" to withdraw immediately, unconditionally and completely from the area East of the security structure in the Moroccan Sahara.

II. Political process

- Morocco firmly reaffirms its commitment to fully support the efforts of the SG and his Personal Envoy, Horst Köhler, to reach a negotiated and mutually acceptable political solution to the regional dispute over the Sahara, on the basis of successive Security Council resolutions since 2007.

- This position has been expressed several times to Mr. Guterres and Mr. Köhler by the Moroccan authorities, at the highest level:

- His Majesty King Mohammed VI, in His Speech on the Occasion of the 42nd Anniversary of the Green March, on 6 November, 2017, affirmed that: "Morocco remains committed to engaging in the current dynamic wished for by His Excellency Mr. Antonio Guterres, Secretary General of the United Nations Organization, and to collaborating with his Personal Envoy, while keeping in mind the need to adhere to the related firmly established principles and terms of reference on which the Moroccan position is based."

- The Moroccan authorities reiterated to the Personal Envoy Morocco's infallible commitment to the UN process, aimed at reaching a political and mutually acceptable solution to the regional dispute over the Moroccan Sahara.

○ The bilateral meeting between Horst Köhler and the Moroccan delegation in Lisbon, on 6 March 2018, took place in an atmosphere of serenity and seriousness. It was an opportunity to discuss the Maghreb, the cost of non-Maghreb and the reasons of the blockage of Maghreb construction.

• The ongoing political process is being conducted under the exclusive auspices of the UN Secretary-General and the facilitation of his Personal Envoy. It aims to reach a mutually acceptable and negotiated political solution to the regional dispute over the Sahara.

III. Moroccan Initiative of Autonomy as the basis of the political process:

• The Autonomy Initiative was presented by Morocco in 2007. Thanks to the momentum it has created, it constitutes the basis of the ongoing UN political process. It was presented in response to the Security Council's calls, since 2004, to the parties to end the political stalemate.

• In this regard, twelve consecutive resolutions of the Security Council 1754 (2007), 1783 (2007), 1813 (2008), 1871 (2009), 1920 (2010), 1979 (2011), 2044 (2012), 2099 (2013), 2152 (2014), 2218 (2015), 2285 (2016) and 2351 (2017) established the parameters, below, of the political solution:

- ✓ The preeminence of the Moroccan Autonomy Initiative;
- ✓ The welcoming of Morocco's serious and credible efforts, namely the Autonomy Initiative, in order to resolve this dispute;
- ✓ The negotiation as the only way to achieve a political solution to this dispute;
- ✓ The call upon the parties to engage in substantive and intense negotiations, based on realism and the spirit of compromise;
- ✓ The regional nature of this dispute by requesting the parties and the States of the region to continue to cooperate fully with the United Nations and with each other to progress towards a political solution;
- ✓ The explicit call on the neighboring countries, in particular Algeria, to make important contributions to the political process;
- ✓ The explicit recognition that the resolution of the dispute, together with the cooperation between the Member States of the Maghreb Arab Union, will contribute to stability and security in the Sahel region.

• Through this Initiative, the Kingdom of Morocco guarantees to the population of the region, its positions and roles, without discrimination or exclusion, in the region's bodies and institutions. Thus, the Sahara population can democratically manage its affairs, through exclusive legislative, executive and judicial powers. They have the necessary financial resources to develop the region, in all areas and to participate actively in the economic, social and cultural development of the Moroccan Nation.

IV. The responsibility of Algeria :

• Algeria's involvement in the question of the Moroccan Sahara has taken several and varied forms, including military commitment, financial and logistical support, diplomatic mobilization and supervision and breaches of international humanitarian law.

• The Algerian MFA has, himself, recognized this involvement of Algeria during an interview, few days ago, with a French television channel.

• The official communications made by Algeria to the United Nations clearly show that this country presents itself, sometimes as "concerned party", sometimes as "important actor" or as "stakeholder" in the settlement of this dispute.

• Algeria's reactions to the settlement proposals have unequivocally revealed that this country is much more than a mere observer of the settlement process.

• The relaunch of the UN process requires the serious and good faith involvement of Algeria, as a full stakeholder, in the UN efforts to find a political, definitive and mutually acceptable solution to the regional dispute over the Moroccan Sahara.

V. The political, economic, social and cultural empowerment of the Sahara population:

- Morocco continues its efforts for the socio-economic development and the political empowerment of the Sahara region.
- The population of the Moroccan Sahara regularly participate in the political, economic and socio-cultural life of the region. The population of the Moroccan Sahara participated in the National legislative elections, communal and regional elections, which took place in democratic, free and transparent atmosphere, with the highest participation rate at the national level. The population elected, therefore, its true representatives to the Moroccan Parliament and the regional councils of the Sahara. Moreover, two sahraouis, including a former "polisario" official, who returned to the motherland a few years back, were elected as Presidents of the two regions of the Sahara.
- The Kingdom of Morocco has continued its opening and development action in the Sahara region. Since the recovery of the Sahara, for every single dollar of revenue from the region, Morocco invests 7 dollars in the Sahara, within the framework of solidarity between its regions. As for the human development indicators in the region, they were, in 1975, 6% lower compared to northern regions of Morocco, and 51% lower than the national average in Spain. Today, the indicators in the Sahara exceed by far the average of other regions in the Kingdom and in the neighborhood.
- Morocco has substantially reinforced its efforts aimed at the development of the Sahara region, which is witnessing unprecedented economic and social development, particularly with the launching on November 7, 2015, by His Majesty King Mohammed VI, of the new Development Model of the Southern Provinces which has a budget of 8 billion US dollars that will create 120.000 new jobs.

VI. Morocco's achievements in the field of human rights:

- Morocco has made significant progress in terms of human rights, including by continuing its close and fruitful cooperation with the UN human rights mechanisms, namely the Office of the High Commissioner for Human Rights (OHCHR), and with the Special Procedures of the Human Rights Council.
- In this regard, two visits of special rapporteurs to Morocco, including the Sahara, are planned for 2018, namely the visits of the Special Rapporteur on the independence of judges and lawyers, scheduled for October 2018, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, scheduled for December 2018.
- It should be noted that between 2000 and 2016, 11 special procedures visited Morocco, including the Sahara. In addition, 14 Special Procedures were invited to visit Morocco, visiting, among others, the Sahara. These invitations are still waiting for an answer from the Special Procedures since 2014.
- Morocco has also strengthened the role of the National Human Rights Council (CNDH) and its regional commissions in Laâyoune and Dakhla, by implementing major reforms in the field of human rights. These two regional commissions have strengthened their activities in the Sahara region, namely with regard to the monitoring of the situation in prisons, freedom of assembly and demonstration, handling of complaints received from citizens, capacity building of civil society in the field of human rights, promotion of cultural rights in the region.
- A very large number of diplomats, parliamentarians, businessmen, tourists, representatives of international, intergovernmental and non-governmental organizations, including human rights organizations, visited the Southern provinces, as well as journalists representing international media, which carried out reports in complete freedom. In this regard, the number of foreigners representing more than 120 nationalities who had access to the Southern provinces, in 2017 is estimated at more than 43,828 foreigners. The number of foreigners who had visited the Southern provinces during the month of January 2018, is estimated at 2898 foreigners.
- Several foreign delegations visited the Sahara and held working meetings with the two CNDH Commissions. Delegations include representatives from the embassies of the Scandinavian countries,

France, United Kingdom, Germany, Belgium, Canada, the Netherlands, Switzerland, as well as parliamentarians from Chile and the United States. Several international NGOs and think tanks also visited the Sahara and met with the two Commissions.

VII. The imperative of the census and the registration of the Tindouf camps populations and the embezzlement of humanitarian assistance intended for these camps

- Algeria continues to prevent the UNHCR from fulfilling registration and census of the populations of the Tindouf camps, thus not allowing it from fully implementing its mandate, in accordance with international humanitarian law and the recommendations of the Security Council since 2011.

- The populations of the Tindouf camps are, thus, deprived of their most basic rights. There is a need to continue to exhort the host country to authorize UNHCR to fulfill the registration of these populations, in accordance with international humanitarian law, UNHCR's mandate, all Security Council resolutions since 2011 and the recommendations of the Secretary General.

- Only a real census and registration of the populations of the Tindouf camps, which conforms to the relevant international standards and the UNHCR rules and procedures, will allow the determination of the number of people in the camps.

VIII. MINURSO

- MINURSO enjoys full support of Morocco to fulfill its mandate of monitoring the ceasefire and supporting confidence-building measures and mine clearance activities.

- The new Special Representative of the Secretary General and Chief of Minurso enjoys full and close cooperation from the Moroccan authorities.

IX. Conclusions

- The question of the Sahara is a question of the completion by Morocco of its territorial integrity and the safeguarding of its national unity.

- The autonomy status negotiated and approved by the concerned populations is the political compromise solution requested by the Security Council. It is in conformity with the international law and offers the best prospects for a definitive settlement of this regional dispute.

- The proposal to grant autonomy status to the Sahara, while respecting the territorial integrity and national unity of the Kingdom, responds to the exercise of the right to self-determination, in accordance with international standards in this area.

- Morocco believes that the Autonomy Initiative opens countless possibilities and prospects to end the suffering of the populations of Tindouf camps in Algeria and allow them the reunification and return. It also gives the opportunity to revive the construction of the Maghreb and respond, therefore, to the aspirations of its populations for unity, stability, security, progress and democracy. It will also help to prevent terrorist threats, trafficking of all kinds, organized crime, illegal immigration and human trafficking, and risks of instability in the Sahelo-Saharan region and the Mediterranean.

- Algeria must engage seriously in the political process and make an important contribution to the United Nations efforts to find a political solution to this regional dispute.

- "polisario" must be summoned by the Security Council in order to cease its acts of provocation and violation of the cease-fire, which are undermining efforts to relaunch the political process.