

## **Morocco's legitimate claims to sovereignty over its Western Sahara territory**

On April the 28th, 2017, the UN Security Council adopted a new Resolution on Western Sahara. This annual review is a new opportunity to reiterate Morocco's legitimate standpoint on this regional dispute.

- **The Kingdom of Morocco seeks to complete its post-colonial territorial integrity:** The Kingdom of Morocco was divided into several zones of occupation by European powers. Morocco begun to achieve its independence in 1956 when France and Spain retroceded the central and northern zones. The Decolonization process of the Southern area started in 1958 when Spain handed back the city of Tarfaya to Morocco.

“Western Sahara” has been on the United Nations list of « non-self-governing territories » at UN Special Committee on Decolonization since 1963 as a result of a Moroccan request. In 1965, the UN Assembly adopted its first Resolution on “Western Sahara” urging Spain “ to take immediately all necessary measures for the liberation of Ifni & Western Sahara from colonial domination and to conduct for this purpose negotiations on the problems related to the sovereignty over these two territories.”

In 1969, Spain gave up Sidi Ifni to Morocco. The Madrid Agreement (1975) marked the end of Spanish presence in the Sahara territory, with the consent of local tribes approving the Sahara decolonization and reintegration in Morocco and Mauritania). In 1979, Morocco reintegrates the Southern areas (Oued Eddahab and Sakia El Hamra) after the withdrawal of Mauritania.

- **The International Court of Justice in the Hague issued an Advisory opinion asserting the « historical ties between the Kingdom of Morocco and the Sahara territory »:** The ICJ Advisory opinion recognized the principle of « Bay'a », the historical and legal ties of allegiance between the Sultans of Morocco and the local tribes of the Sahara. In Islamic law, power is exercised over a territory when its local people swear allegiance to an authority. The « Bay'a » principle was applied throughout centuries between Morocco and the Sahara tribes until the colonization of the country by foreign powers.

As a matter of fact, the leader of one of the most important tribes in Western Sahara, M. Cheikh Maa el Ainine, swore allegiance to the Sultan of Morocco and organized a military campaign against the Spanish occupation forces.

Moreover, tens of International treaties including the Sahara area were concluded between the Sultan of Morocco and other powers throughout centuries : with Spain (1767-1861), with the United States of America (1786-1836), with The United Kingdom (1895), with France and Germany in 1911. These treaties provided guaranties from the Sultan of Morocco to foreign powers to protect and assist sailors and vessels on Moroccan coasts including the southern ports.

For at least the last three centuries, the Sahara has been undeniably Moroccan; many famous explorers in different eras testify to this fact in their memoirs; amongst which Djouder Pasha in his expedition to Niger in 1591 and the French Rene Caille in his tinerary from Timbuktu to the Atlantic coast via the “Tafilalet” in 1820.

- **The failure of the African Union’s mediation** : After the departure of Spain, a new page of the conflict was opened. The Sahara is still a "Non-Self-Governing Territory" when the Moroccan and Algerian armies confront each other on at least two occasions (1975 and 1976). The Polisario Front, created in 1973 by Moroccan scholars of Saharawi origin, and the majority of whom returned to Morocco, relied on Gaddafi's Libya before finding broad Algerian military and diplomatic support. In 1976, Morocco appealed to African mediation through the Organization of African Unity. Morocco demonstrated its good intentions at the 1981 Nairobi Summit by accepting the referendum procedure. Due to the bias of this organization in the treatment of the dispute (breach of the principle of neutrality, admission of an entity devoid of any attribute of sovereignty from the point of view of international law), which led to the failure of a solution of mediation in Africa, Morocco naturally turned to the United Nations to take charge of the solution of the dispute.
- **The treatment of the issue within the UN**: The Sahara issue is mainly examined by the Security Council as a regional dispute. This dispute is in fact between Morocco and Algeria, which acts underhandedly through the “Polisario” organization, created in 1973 by a few Moroccan scholars of Saharawi origin, the majority of whom have returned back to Morocco since then. The Sahara conflict was created in a regional and international context marked by the Cold War. Thus, Algeria and Libya (of Kaddafi) pledged to provide their military, diplomatic and financial support to the separatist movement of the “Polisario”, to the detriment of the geo-strategic interests of Morocco.

The 1991 ceasefire ended the armed conflict (which lasted from 1976 to 1990) between Morocco and the “Polisario” and placed the territory of Sahara under the responsibility of Morocco, in agreement with the United Nations. This Settlement Plan also included "the organization of a referendum on self-determination ». The organization of a referendum was a complicated task in its implementation as there were many difficulties in identifying the electorate.

Subsequently, Morocco accepted the Baker I Plan in 2000, which consisted in negotiating a framework agreement between all the parties (including Algeria). In reaction, the Algerian President, Mr. Abdelaziz Bouteflika, traveled to Houston on November the 2nd, 2001 to request the division of the territory, which Morocco did not accept. The Baker II plan of 2002 (Peace Plan for the Self-Determination of the People of Sahara) was rejected by Morocco because it considered the referendum as a key solution, ignoring the fundamental dilemma of identifying the electorate.

- **The Autonomy proposal, "No winner, no loser"** : To break the stalemate, Morocco proposed in 2007 an Autonomy Plan for its Saharan region. This new initiative found a positive response amongst the international community; it was considered by many powers as « credible and realistic ». In 2008, Peter Van Walsum (then Personal Envoy of the UN SG for the Sahara) said, that independence is not a realistic goal and that the “Polisario” should give it up.

In this Moroccan proposal, the population of the Moroccan Sahara would be self-governed, within the framework of the Sahara Autonomous Region in accordance with democratic principles and procedures through an elected Parliament, a Regional Government and local courts. The autonomous local region would be accountable for the local administration, the management of local resources, the infrastructure and culture.

The initiative also provides that the Moroccan State retains exclusive competence in the fields of religion, security and national defense as well as foreign affairs. Morocco's proposal, while offering local populations the possibility of self-government, ensures stability and security for neighboring countries and the entire Sahel and Atlantic region.

- **Self-determination is not independence:** The General Assembly of the United Nations identifies four distinct solutions to self-determination: independence, association, integration and "any other freely chosen political status" (Resolution 2625). The Moroccan proposal stresses that "the status of autonomy, resulting from the negotiations, will be subject to a referendum consultation by the local populations in accordance with the principle of self-determination and the Charter of the United Nations".
- **The consequences of a no-solution in the Sahara issue:** This dispute has hindered the establishment of the Arab Maghreb Union (AMU) between the Maghreb countries. The cost of this non-Maghreb revolves around the two points of loss of GDP for each country, impacting the level of trade between them (estimated at 1.3% of their foreign trade, the lowest regional rate in the world) and The annual loss of nearly 220,000 jobs. Political collaboration between these countries would solve problems on the southern shore of the Mediterranean but also on the northern shore, in particular Migration. In order not to remain hostage to the dispute, and without compromising the UN process, Morocco calls for its collaboration, notably with Algeria.
- **The new development model for the southern provinces:** When the provinces of southern Morocco were recovered, everything had yet to be done. Since 1976, Morocco has made considerable efforts to develop a model for the development of the southern provinces. As a result, the Human Development Index (HDI), measured by UNDP, is 0.643 in the Sahara region compared to 0.612 at a national level, with an increase of 11.6% between 2004 and 2014 (compared to 8.4% in key Moroccan cities like Casablanca and 9% in Rabat).

Today, this model, which is intended as an instrument for the application and acceleration of advanced regionalization, relies mainly on the solidarity mechanism between the twelve Moroccan regions and in which the two southern provinces are the main beneficiaries (for € 1 produced in the Sahara, € 7 are invested). In November 2015, to accelerate the development of these regions, a new multi-sectoral plan of more than 7 billion euros was launched. The private sector will have a key role to play in the implementation of future projects in the region of € 4 billion, or 54% of the overall budget.

This process is carried out in an inclusive manner involving the various actors, notably within CORCAS (composed of all the Sahara tribes), regional councils and elected bodies (nearly 10,000 local and regional representatives) and through Representatives of civil society. Moreover, during the last elections of 2016 in Morocco, the highest participation rates were recorded in these southern provinces, reflecting the trust that the institutions and the electoral process enjoy among the inhabitants of the region.

By contrast, in the Tindouf camps (Algeria), the credibility of Polisario's representativeness suffers from the absence of free and democratic elections for decades. Several controversies remain regarding the sequestration of entire families to stop them from joining back their tribes in Morocco.