



AIDE-MEMOIR
ON THE HOLDING OF THE ANNUAL SESSION OF CRANS MONTANA FORUM IN THE
OCCUPIED CITY OF DAJLA IN WESTERN SAHARA IN MARCH 2016

- The Swiss-registered organisation, the Crans Montana Forum, based in the Principality of Monaco, is planning to hold for the second time its annual session in the city of Dajla (Dakhla) in the Moroccan-occupied territories of Western Sahara on 17-22 March 2016.
- Western Sahara is still on the UN agenda as a Non-Self-Governing Territory pending decolonisation. It has never been part of Morocco that continues to occupy illegally large parts of the Territory since 31 October 1975.
- In its historic advisory opinion on Western Sahara, issued on 16 October 1975, the International Court of Justice clearly established that there never existed any tie of territorial sovereignty between Western Sahara and Morocco or Mauritania. In 2002, the UN Under-Secretary for legal Affairs, Hans Corell, issued an advisory opinion at the request of the UN Security Council in which he reaffirmed unequivocally that Morocco does not exercise any sovereignty or administering power over Western Sahara.
- The United Nations, the Organisation of African Unity (now the African Union) and the international community as a whole have never approved Morocco's occupation of Western Sahara or recognised the legality of its forceful annexation of the Territory.
- In accordance with its doctrine of not recognising as legal any territorial acquisition resulting from the use of force, the UN General Assembly has clearly described Morocco's presence in Western Sahara as an act of occupation by force (res. 34/37 of 21 November 1979 and res. 35/19 of 11 November 1980).
- Following the action brought on 19 November 2012 by the Frente POLISARIO against the EU Council's decision 2012/497/EU of 8 March 2012 on the conclusion of an agreement between the EU and Morocco over reciprocal liberalisation measures on agricultural and fishery products, the General Court of the European Union in Luxembourg delivered its judgment, on 10 December 2015, granting the annulment of the contested decision insofar as it approves the application to Western Sahara of the agreement referred therein (para. 251.1). The judgment also recalled that Morocco's sovereignty over Western Sahara is not recognised by the European Union and its Member States or by the United Nations, while noting the absence of any international mandate that may justify the Moroccan presence in this Territory (para. 241).
- As an occupying power, Morocco thus has no right whatsoever to deal with third parties concerning the Non-Self-Governing Territory of Western Sahara.
- Together with its obstructionist attitude towards the UN-led peace process in Western Sahara, Morocco continues to violate systematically human rights and international humanitarian law in the territories of Western Sahara under its illegal occupation. Moreover, Morocco persists in plundering illegally the natural resources of the occupied Territory often in complicity with foreign entities and in blatant violation of the permanent sovereignty of the Sahrawi people over their natural resources.

- The decision taken by the Crans Montana Forum to hold again its annual session in the occupied city of Dajla is clearly contrary to the rights and interests of the Sahrawi people and to the relevant principles of international law applicable to Western Sahara as a Non-Self-Governing Territory.
- The Sahrawi Government and the leadership of the Frente POLISARIO have officially expressed once again to the Crans Montana Forum their deep concern about the planned meeting, which is another provocative move that may have adverse consequences on the current developments of the question of Western Sahara.
- Deeply concerned about the Crans Montana's decision to hold its 2015 Forum in the occupied Western Sahara, the last colony in Africa, the African Union, of which the Sahrawi Republic is a founding Member State, unanimously adopted an important declaration, on 31 January 2015, urging the Swiss organisation and all organisers to cancel that meeting, as it would be a grave violation of the International Law. It further called upon the AU Member States, African civil society and all organisations not to participate in the meeting.
- In its latest summit held in Addis Ababa on 30-31 January 2016, the Assembly of the African Union reiterated its declaration adopted at its 24th session regarding the convening by the Crans Montana Forum of a meeting in the occupied city of Dakhla, in Western Sahara. In view of the intention of this entity to convene a similar event in the Territory in 2016, the Assembly called on Crans Montana to desist from this activity and appealed to all Member States, African civil society organisations and other relevant actors to boycott any such event.
- Following press reports of an alleged high-level United Nations presence in the 2015 meeting in the occupied city of Dajla, the spokesperson of the UN Secretary-General issued a note to correspondents on 14 March 2014 indicating that the Secretary-General had not delegated anyone to represent him or the United Nations in that meeting. He further noted that the definitive status of Western Sahara was the object of a negotiating process being conducted under the auspices of the Secretary-General in accordance with the relevant United Nations resolutions.
- In view of the strong opposition and denunciation expressed last year by the African Union and many governments, personalities and NGOs around the world, holding an event of such nature in the occupied city of Dajla is clearly to play into the hands of Morocco's colonialist policy in Western Sahara in a way that will only complicate the situation on the ground and fuel more tension in the region.
- All necessary representations should therefore be made towards the Crans Montana Forum and its associated partners and sponsors to urge them to refrain from holding its 2016 session in the occupied city of Dajla.
- It is also crucial that national organisations and institutions that intend to participate in this Forum are urged to refrain from taking part in this event. They should be made aware that it is not in their interest to be associated with any acts that may lend legitimacy to an illegal and brutal occupation that persists in violating fundamental human rights and denying an entire people their inalienable right to self-determination and freedom.