

The White Book on Moroccan Sahara

June 2023

Table of contents

| | |
|---|-----------|
| Introduction..... | 5 |
| 1. The colonial dismantling of the Sharifian Empire (Morocco) in the 19th and 20th centuries..... | 8 |
| 1.1. An Empire with recognized borders at the time of colonization..... | 8 |
| 1.1.1. Recognition by colonial powers, in different forms, of Sharifian Empire sovereignty over the Sahara..... | 8 |
| 1.1.2. Colonial powers violate the principle of good faith in denying their recognition of Moroccan sovereignty over the Sahara | 12 |
| 1.1.3. Persistent Moroccan claims to sovereignty over the Sahara..... | 14 |
| 1.1.4. Morocco's recovery of the Sahara, in accordance with International Law..... | 15 |
| 1.1.5. Sharing the Sahara with Mauritania to build the Greater Maghreb | 16 |
| 1.2. The Moroccan identity of Saharan tribes | 17 |
| 1.2.1. The impossible distinction between Saharan populations and other Moroccan populations..... | 17 |
| 1.2.2. The Bey'a, allegiance, consistently sworn by the tribes to the Sultan of Morocco | 17 |
| 1.2.3. Present-day decentralization: extending the decentralization in effect at the time of colonization in the Sahara..... | 20 |
| 1.3. The internationalization of the Sahara issue | 20 |
| 1.3.1. The birth and misappropriation of the Polisario front..... | 20 |
| 1.3.2. The UN process and Morocco's compliance with International Legality | 21 |
| 1.3.3. Morocco's Broad Autonomy Initiative for the Sahara Region - a manifestation of the right to self-determination..... | 22 |
| 1.3.4. Recognition of the Sahara's Moroccan identity | 23 |
| 2. The current situation in the Moroccan Sahara | 24 |
| 2.1. The Royal Vision as to the Sahara's Moroccan Identity..... | 24 |
| 2.2. The primacy of decentralized development | 25 |
| 2.2.1. Advanced regionalization at the service of Southern Provinces' development..... | 25 |
| 2.2.2. The Southern Provinces' new development model | 25 |

| | |
|---|-----------|
| 2.3. The Sahara development momentum sustained by the Moroccan State | 26 |
| 2.3.1. Strategies implemented | 26 |
| 2.3.2. Dynamic economic growth | 26 |
| 2.3.3. Developing natural resources for the benefit of the population..... | 27 |
| 2.4. Putting people at the heart of national and regional development strategies | 29 |
| 2.4.1. The attachment of the Sahrawi populations to Morocco | 29 |
| 2.4.2. Promotion of human rights..... | 30 |
| 2.4.3. Inclusive and equitable human development..... | 31 |
| 3. The situation in the camps of Tindouf under the yoke of the Polisario, but effectively of Algeria | 33 |
| 3.1. Tindouf: lawlessness in the camps of Tindouf | 33 |
| 3.1.1. Locked down camps to isolate inhabitants | 34 |
| 3.1.2. Putting the question of rights and democracy on the back burner | 34 |
| 3.1.3. Denial of women's and children's rights..... | 35 |
| 3.1.4. The persistence of slavery..... | 35 |
| 3.1.5. Outright banning of any opposition..... | 35 |
| 3.1.6. Hijacking humanitarian aid..... | 35 |
| 3.1.7. Largely internationally recognized human rights violations | 36 |
| 3.2. Divisions within Polisario: on the myth of representativeness | 36 |
| 3.3. Polisario: a destabilizing factor in the Sahel-Saharan space | 37 |
| 4. Algeria: a stakeholder in the Sahara conflict..... | 38 |
| 4.1. Algeria's instrumentalization of this conflict | 38 |
| 4.2. Algeria's stubbornness in sustaining the Sahara conflict at the expense of Maghreb development | 39 |
| 4.3. The systematic refusal by Algeria of the outstretched hand of Morocco | 40 |
| Conclusion | 42 |
| Timeline..... | 44 |
| Bibliography | 46 |

Introduction

Founded in 789 by Sultan Moulay Idris the First, the Kingdom of Morocco is one of the world's longest-standing constituted states. Despite considerable transformation over the past twelve centuries, Morocco has nevertheless preserved its political and institutional fundamentals, notably its monarchic character and adherence to Muslim public law, specifically in the exercise of power.

Throughout history, the Kingdom of Morocco's territory saw considerable changes, through expansion, conquest, alliances, and allegiances. The Sahara Region has been central to these changes as early as the 11th century.

From the accession of the Almohad Dynasty in 1040, which originated from the Sahara, this immense expanse of land, crisscrossed by trade routes, has been central to the Moroccan state, as a driving force for political transition, an economic gateway between the Mediterranean and sub-Saharan Africa, and a space of encounter and exchange through which Morocco spread Islam in Africa.

Then as now, under Muslim public law, Morocco's political system on the Bey'a to the Sultan, the oath of allegiance. The country was defined not so much by the territory as a geographical expanse, as by the Bey'a, sworn by tribal chiefs, along with the payment of taxes attesting their submission to the central power of the Sultan. All regions, i.e. all lands and territories, where inhabitants (settled within Ksours, and nomads) were bound by the Bey'a (allegiance) of their chiefs, fell within the central power's jurisdiction, hence its sovereignty.

At the end of the 19th century, Morocco, sometimes referred to as the Sharifian Empire¹, extended as far as Cabo Blanco, south of the town of Lagouira, as evidenced by the following map dating from 1891, which also highlights the Eastern Sahara. This territory, rich in hydrocarbons, was taken from Morocco by France and annexed to "French Algeria". Independent Algeria "inherited" it despite the fact that the population of this region had proclaimed its Moroccaness.

Map 1: Map of French Africa - 1891



Source: M. A. Fock. Algeria, Sahara, Chad: Answer to Camille Sabatier. Paris: Challamel, 1891, kept at the Bibliothèque Nationale de France.

Since the end of the French protectorate in 1956, Morocco never stopped demanding total decolonization of all its territory, including the Sahara, located between Tarfaya in the north and Cap Blanc in the south, spanning 266,000 square kilometers, and amputated from Morocco by the Spanish colonization prevailing there from 1884 to 1975.

Spain returned the territory to Morocco on November 20, 1975² following the Green March, a peaceful march of 350,000 Moroccan citizens, who walked out to the Sahara to fulfill its liberation.

The Sahara conflict is an artificial conflict which opposes the Kingdom of Morocco, not only to an armed separatist movement, the Polisario, but in fact and above all to Algeria which exploits the latter and supports it by all means, military, diplomatic, financial, media, ... Its persistence has given rise to the establishment of a UN process, initiated at the request of Morocco, aimed at resolving it peacefully.

This White Book traces the origins of the dispute over the Moroccan Sahara, reviews the foundations of Morocco's sovereignty over this territory (part of its Southern Provinces), presents the current situation of the populations in the area, and highlights the progress achieved in terms of development thanks to the efforts undertaken by Morocco, which contrast sharply with the precarious living conditions in the Tindouf camps, under the responsibility of Algeria.

1. The colonial dismantling of the Sharifian Empire (Morocco) in the 19th and 20th centuries

1.1. An Empire with recognized borders at the time of colonization

1.1.1. Recognition by colonial powers, in different forms, of Sharifian Empire sovereignty over the Sahara

The Sahara was an integral part of Sharifian territory at the time of colonization

Spanish and French colonization are inseparable. It is necessary to see one in relation to the other in order to understand the whereabouts of the Saharan issue. Despite frictions between them, France and Spain agreed to split, dismember the Sharifian Empire and share its resources, excluding other colonial powers such as the United Kingdom and Germany. Both powers were broadly aware how far the Sharifian Empire extended.

Leading up to the colonial period, geographers, military personnel, and clerics made a number of extensive, thorough and successive exploratory, on-the-ground missions, in a quest to master the knowledge and deepen the understanding of the Sharifian Empire territories and populations to the effect of manipulating, dividing and exploiting them.

An Empire is defined by an expanse of territory under its sovereignty and subject to a central authority. If European powers mention the Sharifian Empire in a number of documents (correspondence, treaties, ...), it is because they recognized the latter's sovereignty over that same territory.

European countries used two designations, Morocco (*derived/distorted from Marrakesh*) and Sharifian Empire. This was the case in the December 9, 1856 treaty with the United Kingdom of Great Britain and Ireland³ and in the 1860 peace treaty between Morocco and Spain⁴. This designation was nevertheless slowly abandoned in the wake of territorial division agreements between France and Spain⁵.

This semantic shift came alongside a cascade of military campaigns aimed at systematically dismantling Morocco's vast territory.

The map hereunder presents the initial expansion of this territory and drives made by France and Spain to dismember it:

Map 2: European campaigns in the Maghreb



FIG. 5.1 The major regions of the Maghrib and the Sahara

| | Francia | España |
|---------------|---------|--------|
| Antes de 1880 | | |
| 1880-1901 | | X X X |
| 1901-1913 | | |
| 1913-1926 | | |
| 1930-1935 | | |

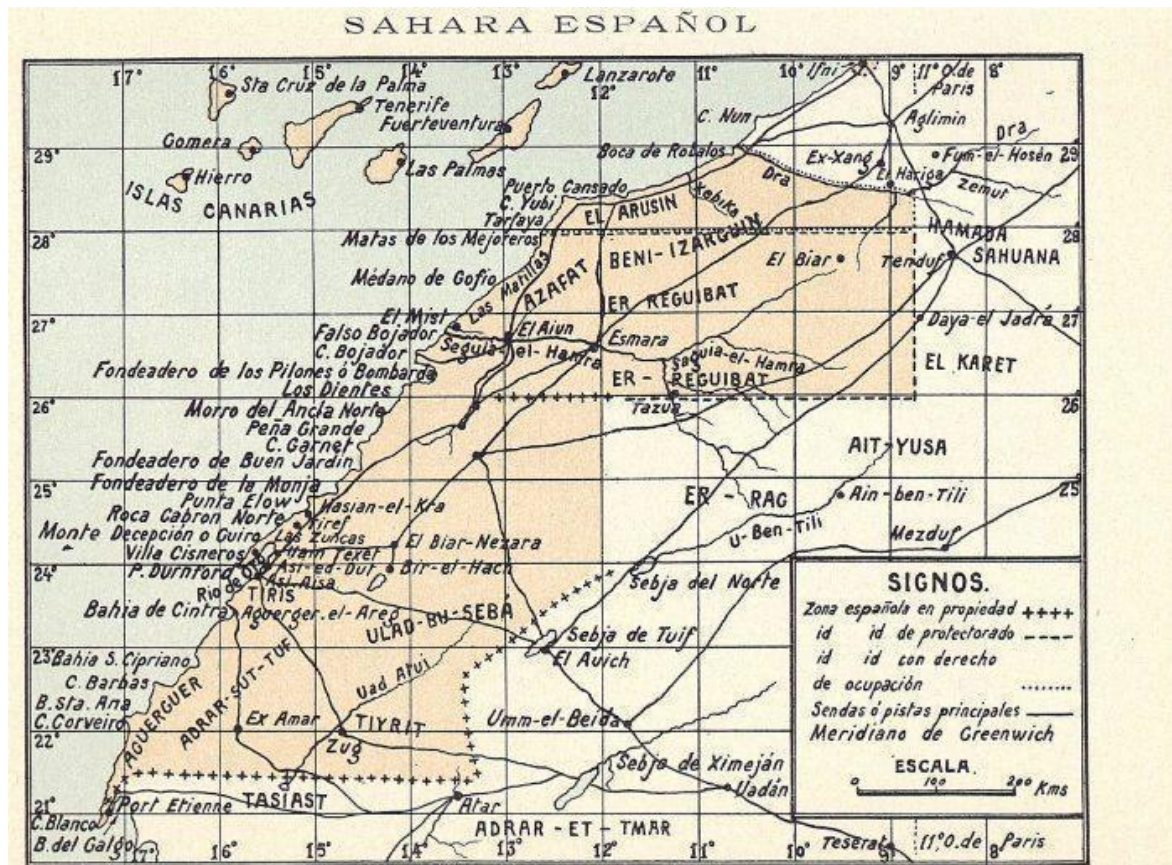
Source: Spanish Ministry of Defense, Nuestra frontera más avanzada entre el Sahara Occidental y Senegal Escuela de Altos Estudios de la Defensa, Monografías 145 (329 pages), p. 33.

Before 1880, the southern reaches of the Sharifian Empire stopped at the banks of the Senegal River. Territories and populations under its sovereignty encompassed the Atlantic Sahara, including Seguia el-Hamra and Oued-Eddahab, later known as the "Spanish Sahara" and then "Western Sahara". Borders delimiting the "Western Sahara" and the "Spanish Sahara" are not identical.

The "Western Sahara" is not the same or even the only territory conquered by Spain (see Map 3). Its borders were drawn in accordance with France and Spain's decision made after the Congress of Berlin in 1884-1885, as part of their agreement on splitting the Sharifian Empire.

These borders are not depicted on Map 2, where Morocco in green, is a "backdrop" to French (yellow) and Spanish (beige) colonial conquests in the south, by period. France sought to push the boundaries of what it called "French Algeria" to the Atlantic and the rivalry with Spain had not yet come to an end.

Map 3: The making of the Spanish Sahara



Source: Atlas icono-geografico-estadístico del Africa occidental española : Sahara y Guinea / by Francisco del Rio Joan

Sharifian Empire political and judicial recognition and subsequent dismantling

The completion of the Reconquista, on January 2, 1492, opened the way to the colonization of Morocco. Spain conquered strategic territories on the Mediterranean to prevent the return of Muslims to the Iberian Peninsula: Melilla in 1497, Peñón de Vélez de la Gomera in 1508-1522 and in 1564, Ceuta in 1580, the Alhucemas Islands in 1673, Ifni in 1476-1524 and in 1860 and, lastly, the Zaffarine Islands in 1844. The ongoing Reconquista turned into colonization during the second half of the 19th century.

❖ The Moroccan-Spanish War

Spanish attacks on northern Morocco took place from 1856 to 1859, prompting reactions from tribes in the region. Dissatisfied, Spain addressed demands to the Sultan. At the same time, it mobilized and trained soldiers and without waiting for the latter's response, the Spanish Minister of War and President of the Council of Ministers unleashed a war against Morocco, the outcome of which could only be favorable to his country and which led to the Treaty of Tetouan of April 26, 1860⁶, thus opening the way for the colonization of the Moroccan Atlantic Sahara.

❖ The Madrid Conference of 1880⁷

The conference culminated in a Convention signed in Madrid on July 3, 1880, under Sultan Moulay Hassan I. The Convention established the "right of protection" over Morocco.⁸

It in fact instituted a protection regime for European nationals holding official positions, such as Consuls, Vice-Consuls, consular agents and heads of mission, as well as the Moroccans in their service. It also granted the right of property on Moroccan soil to all foreigners. Finally, this convention committed Morocco to grant all signatories the benefit of the most favored nation clause⁹, whereby any advantage granted to one of the signatories is automatically extended to all others.¹⁰

These "protections" were obtained over "the Sultan's States,"¹¹ that is all the territories where the Sultan exercised his sovereignty. As Spain, a party to the same Convention, enjoyed such benefits over the Moroccan Atlantic Sahara, it could not claim these areas were not Moroccan, even though it had, at the same time, concluded agreements with a number of tribal leaders. The latter regularly paid allegiance to the Moroccan Sultan, enjoyed his protection and were his representatives, in the first place to defend the country against any foreign intrusion.

All parties to the Convention de jure or de facto recognized the sovereignty of Morocco over the territories to which the Convention applied, including the Sahara, at the very moment when the first act of dismantling the Empire was about to be undertaken.

Sovereignty was formalized not only through the Bey'a but also by way of Sharifian Dahirs appointing effective central power representatives over the Sahara, including khlifas, caïds, etc. Article 15 of the Madrid Convention is clear as to the status of the Sharifian State as an Empire¹².

The Spanish Ministry of Defense, in its catalog of monographs, acknowledges this recognized Moroccan sovereignty over the area known as "Spanish Sahara", and later "Western Sahara"¹³. Clearly, everything north of Cabo Blanco was an integral part of present-day Morocco, inclusive of recovered Saharan provinces.

Captain Louis Rinn, Head of the Central Service of Indigenous Affairs in the General Government of Algeria, and government advisor, wrote in 1884 that "What is certain is that all the Marabout families [...], who claim to descend from the Prophet, always place one of their ancestors in the country of Seguiat-el-Hamra, in the Moroccan Sous."¹⁴

He confirmed that this land, named after the wadi (river bed) that crosses it, depended politically and administratively on the Caïd of the Sous, representative of the Sultan. Correspondence of the time between the Sovereign on the one hand, the caïd and tribal chiefs (Chioukh) on the other, specifically for a return to the bosom of dissidents among the latter, amply proves it ¹⁵.

France and Spain then created the colony of "Spanish Sahara", later to become "Western Sahara" from territories under Moroccan sovereignty, in an attempt to resolve a dispute over respective areas of influence, without a military confrontation detrimental to both, for the benefit of the United Kingdom and perhaps Morocco. This confirms what the maps clearly show. In doing so, the two powers voluntarily violated obligations to Morocco, whose sovereignty over the Sahara they had recognized by signing the Madrid Convention in 1880.

1.1.2. Colonial powers violate the principle of good faith in denying their recognition of Moroccan sovereignty over the Sahara

The 1884 announcement of Spanish occupation: an 'anticipatory' declaration of guarantee in the wake of the 1845 Treaty of Lalla Maghnia

On December 26, 1884, the Spanish government announced to European powers it had taken control of the Atlantic coastline between Cape Bojador and Cape Blanc, knowing full well it was Moroccan territory¹⁶ and, therefore, violating the Peace Treaty of Tetouan (1860), just as France had done with the Treaty of Lalla Maghnia (1845).

The two colonial powers used the same logic and technique, i.e. erase the Sharifian Empire's borders to justify the takeover of its territories¹⁷.

Had France and Spain honored the two most fundamental principles of International Law and general principles of law, going back at least as far as ancient Greece and Rome, namely *good faith* (bona fide) and *respect for treaties* (Pacta/um Sunt Servanda)¹⁸, they would not have proceeded to draw the Sharifian Empire's borders unilaterally and enforce them militarily.

They would also have refrained from weakening the Sharifian Empire, leaving it even more vulnerable to conquest, by using other means, notably, indebting it and exaggerating the magnitude of its debts, with the aim of severing its fiscal and social ties to the population¹⁹.

France and Spain cannot claim ignorance of Pacta sunt servanda by the Moroccan state, itself based on Islamic law, as this same principle is enshrined in the Quran (Respect the obligations you have undertaken) ²⁰. Pacta sunt servanda is sufficiently clear and straightforward to not require any explanation²¹.

With respect to good faith, Portendick (1843), Limon (1884) and Montijo (1875)²² are cases that evidenced the jurisprudence at the time embedded -and strengthened- this principle, before it was codified in article 26 of the Vienna Convention on the Law of Treaties²³.

France and Spain breached their international obligations, all the more so as the Sharifian Empire was active on the international stage, as evidenced by the presence of Moroccan ambassadors in European capitals.

❖ Spain's far from effective occupation and Morocco's four-decade resistance

In 1883, the Spanish Congress of Colonial and Mercantile Geography in Madrid gave birth to the Spanish Society of Africanists and Colonizers, which advocated for establishing permanent Spanish trading posts on the Saharan coast, and requested armed protection from the Government to do so ²⁴.

While Dakhla was occupied in 1884, Spain only reached Es-Smara and Laâyoune in 1934 and 1938 respectively. In 1884, at the Congress of Berlin, Spain claimed the entire region from Cape Blanc (Lagouira) to Cape Bojador²⁵ but only gained very scattered and superficial control over the area in the years from 1884 to 1940 as testified by the late creation of very few urban embryos. Spanish language instruction in the Sahara only began in 1936²⁶. The first "scientific" map of the "territory" was produced in 1943-1949²⁷; only at this date can one speak of complete or effective occupation.

Previously, Spain's occupation never fulfilled the effectiveness criterion as laid out in Article 35 of the Congress of Berlin's Final Act.²⁸ In fact, Spain never quite managed to install its authority and overcome the resistance of tribes, caïds, and representatives of the Sultan, loyal to the Bey'a.

Madrid was also not unaware the Sultan exercised his sovereignty within a decentralized framework well suited to the conditions of the time (institution of the Na'ib Assultan, i.e. Caliph of the Sultan, or "Viceroy", caïds, Bey'a of the tribes' Chioukh...).

Spain claimed the territory as "Spanish" in 1884 although it conducted negotiations with France from 1886 onwards to delimit respective zones of influence in West Africa, including this "territory"²⁹.

It was not until 1920 that France and Spain reached another agreement to delimit the said areas, setting the "Western Sahara's" northern limit at the 27°50 parallel ³⁰.

1.1.3. Persistent Moroccan claims to sovereignty over the Sahara

Pre-colonial: resistance under Sultan Moulay Hassan the First

The above analysis constitutes ample evidence of Morocco's sovereignty over its Sahara in the 19th century, including 1884 and after. Examples hereunder further support this argument:

- Foreign Powers called upon the Moroccan Sultan to obtain release of their nationals who were shipwrecked on the Sahara coast, thereby recognizing the sovereignty of the Sultan of Morocco over the territory under international conventions. This was notably the case in 1863, when a Spanish ship, the Esmeralda, sank off the coast of Oued-Noun, and its sailors were held captive by the local population. The Spanish Minister of State at the time instructed his Minister resident in Tangier to solicit that the Sultan of Morocco "in accordance with Article 38 of the Treaty of November 20, 1861³¹, exercise his power to free the captive sailors"³².
- In 1895, the British Government entered into an arrangement acknowledging Morocco's sovereignty over the territory between Oued Draa and Cape Bojador, in its first article, following Sultan Moulay Hassan the First's resort to military and diplomatic means³³.

During colonization

From 1912 to 1956, under the French and Spanish protectorates, Morocco's territorial situation was frozen, pending accession to independence.

During the gradual restoration of sovereignty, since 1956

On February 25, 1958, His Late Majesty King Mohammed V delivered a speech in presence of Moroccan Saharan tribes' representatives, who came to pledge their allegiance to him,³⁴ asserting: "the return of our Sahara in accordance with our historical rights and the determination of its inhabitants "³⁵.

In parallel, the Government of Morocco continued its diplomatic struggle at the UN and worked with the Saharawi people to achieve this return.

In response to Moroccan demands and international pressure, Spain's Ambassador to the UN declared in 1960 that his government agreed to forward relevant "Non-Self-Governing Territory" details to the UN Secretary-General as required by Chapter XI of the Charter ³⁶.

In 1963, the "Spanish Sahara" was registered in the UN list of Non-Self-Governing Territories³⁷. The same year, the Kingdom expressed reservations towards the "principle" of intangibility of colonial borders, as enshrined in the Statutes of the nascent Organization of African Unity. It thereby addressed not only "heir" states and direct beneficiaries of territories defined by this intangibility, but also Spain, which refused to hand back to the Kingdom the latter's territories of Sidi Ifni, Saguia el-Hamra and Oued-Eddahab.

Colonial border intangibility does not apply ipso facto (automatically). It is only valid if the states concerned explicitly and specifically agree to it, as in the case of Morocco's recognition of Mauritania in 1969 and the conclusion of the 1972 Convention on its borders with Algeria.

On December 16, 1965, the General Assembly adopted Resolution 2072 (XX) entitled "the Question of Ifni and the Spanish Sahara"³⁸ whereby it called on Spain to end its colonization of Sidi Ifni and the Sahara and to hold negotiations with Morocco, which, to the exclusion of any other State or movement, was the only one to claim these two territories.

Morocco did not fail to highlight this fact during discussions of the Report of the Special Committee on the Situation regarding Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (New York 1964-1965) by the General Assembly in its 19th session.³⁹

In the 1960s, Morocco welcomed all General Assembly resolutions calling on Spain to decolonize the "Spanish Sahara" because it was convinced that it would recover all territories still under Spanish colonization through negotiation and that, if the populations concerned were consulted, they would surely vote for reintegration into the mother country. They had proved this not only in renewing the Bey'a to the Sultan in 1958, but also through their uprising against the occupier, and chants that they were Moroccan.

In 1968, five years before the "official" emergence of Polisario, short for Frente Popular para la Liberación de Saguía el Hamra y Río de Oro, on May 10, 1973, Morocco supported the creation of the Movement for the Liberation of Segúia el-Hamra and Río de Oro under the leadership of Sidi Brahim Bassiri. It also supported the June 17, 1970 demonstrations he led.⁴⁰

After negotiations, Spain ceded Sidi Ifni back to Morocco (Treaty of Fez, January 4, 1969) but refused to cede the Sahara, claiming that it did not belong to Morocco, before vainly attempting to make the territory Spanish through a referendum that never took place.

1.1.4. Morocco's recovery of the Sahara, in accordance with International Law

Morocco recognized Mauritania's independence in 1969. Both countries coordinated actions to recover the "Spanish Sahara", notably at the United Nations. With support from other states, they led the UN General Assembly to seek an advisory opinion from the International Court of Justice on the issue in 1974 ⁴¹.

On October 16, 1975, the Court rendered its advisory opinion recognizing that the tribes of the "Western Sahara" were bound to the Sultan of Morocco by the legal ties of allegiance (Bey'a).

The Kingdom then considered itself entitled to recover its Sahara, by organizing the peaceful Green March on November 6, 1975. It concluded the Madrid Accords (Declaration of Principles on "Western Sahara") with Spain and Mauritania on November 14, establishing the terms of Spanish withdrawal and the partition of territory between the two Maghreb countries. The Declaration was filed on December 9, 1975 and published in the United Nations Treaty Series ⁴².

On February 26, 1976, the Permanent Representative of Spain to the United Nations informed the Secretary-General that the Government of Spain was definitely ending its presence in the Sahara and renouncing all international responsibility.⁴³ This statement refutes all allegations by opponents of Morocco's territorial integrity that Spain remains the administrative power of the Sahara ⁴⁴.

1.1.5. Sharing the Sahara with Mauritania to build the Greater Maghreb

In sharing the "territory", a perfectly legal act under International Law (a number of states voluntarily agreed to exchange or cede portions of their territories), Morocco and Mauritania were driven by their determination to promote the Great Maghreb⁴⁵, especially since an agreement, an international Convention on borders had been concluded between Morocco and Algeria on June 15, 1972 ⁴⁶.

The boundaries between these two countries were defined, not by the principle of *Uti possidetis* or intangibility of colonial borders, but by explicit mutual consent, enshrined in the 1972 Convention.

Algeria concentrated considerable armed forces on its border with the "Western Sahara" during the Green March⁴⁷. The Government of Algeria also criticized Morocco for its "sharing" the "Western Sahara" with Mauritania, and refusing to do the same with the Polisario when Algeria's delegation proposed it in 2000, in a non-paper submitted to James Baker during "Baker I" plan preparatory discussions ⁴⁸.

The Treaty of Marrakech of 17 February 1989 establishing the Arab Maghreb Union⁴⁹ revived high hopes for a union between the peoples of the Maghreb. It sought to overcome the question of borders. It failed essentially because of the regional conflict sparked by Algeria's ever clearer hegemonic ambitions.

1.2. The Moroccan identity of Saharan tribes

1.2.1. The impossible distinction between Saharan populations and other Moroccan populations

From an ethnographic point of view, the "Western Sahara" constitutes the northwest slope of the Beydan Country, the Trab-al-Beydan, that is to say the territory inhabited by the Beydan ethnic group. This is an ethnic group characterized above all by the use of Hassanya, the Banu Hassan dialect, also spoken by the Hraytan. The latter are distinct from the Baydan, but claim the same ancestry, at least in part. They are Moroccan Sahrawis in the same way as the Beydan.

In addition to this, there is the traditional nomadic way of life, largely abandoned today, as well as specific customs, tribal social organization, and collective identity founded on a particular genealogical link to two major ancestral groups, the Banu Hassan Bedouin chiefs, who arrived in the 15th century as part of the great Banu Hilal migration, and the famed Sanhaja Berber chiefs, to a lesser extent.

Being part of a wider ethnographic ensemble, the populations of the Sahara can only claim a distinct identity in a very limited way. It is the vicissitudes of diplomatic negotiations between France and Spain that drew borders isolating the people of the Sahara from those of the rest of Morocco during the colonial period. It is therefore not possible to distinguish Saharan identity from that of tribes to the north.

While ethnically very homogeneous, the population nonetheless descends from historically conflicting tribal groups, united only by the Bey'a to the Sultan of Morocco.

Thus, reducing the ethnic differentiation between Saharan populations and the rest of Moroccans to the use of Hassanya instead of Berber dialects or Darija, or to a contrast between nomadic and sedentary ways of life... is to ignore Morocco's plural identity, as enshrined in its Constitution⁵⁰ and customs. The current Moroccan identity is inclusive, encompassing very eclectic populations, Arabs, Amazighs, Muslims, and Jews.

1.2.2. The Bey'a, allegiance, consistently sworn by the tribes to the Sultan of Morocco

The Bey'a is a bond of sovereignty

The legal ties of the Bey'a, which have always bound Saharan tribes to the Sultan of Morocco, were recognized by the International Court of Justice in its Advisory Opinion of October 16, 1975. The argument developed above highlighted both the meaning, the scope and the extent inherent to the Bey'a, which was/is indeed the expression of sovereignty.

The Bey'a was always the foundation of the Moroccan State: where the populations bound by the Bey'a lived or moved (sedentary or nomads) and considered a land or territory theirs while they were bound by the Bey'a, there was sovereignty.

❖ The Bey'a and the Commandment of the faithful

The Bey'a stems from the fact that the Sultan of Morocco is the commander, the ultimate chief and commander of all Moroccans, all given as faithful or believers, whatever their religion. Commandment is a legal status, an institution within the larger institution that is Monarchy. Thus, the Monarch, the Sultan (the ultimate Power, i.e. Sovereignty) is the Sovereign. The bond that links the populations, tribes and individuals, to him was/still is the Bey'a.

Particularly during colonial times, the Sultan, like Caliphs in other Muslim dynasties, held political, religious and secular power. There was no separation of religious and political spheres. For the Sultans and Caliphs, public affairs were subject to religious commandments and precepts. The Quran, Hadith and Sunna were legal bases for "legislative", "judicial" and "administrative" powers⁵¹.

❖ The Executive Monarchy

The Executive Monarchy concept, based on the Bey'a, emanates from the fact that the Head of State manages religious and secular affairs.

The institution of the Bey'a remained unchanged over time. Although its manifestations, scope and extent of exercise varied according to time and circumstances, decentralized power always prevailed in Morocco; the Bey'a being the foundation of territorial integrity.

❖ The pillar of unity

The institution of the Sultanate has always been the unifying pillar for Moroccans. This is a fundamental reason why tribal chiefs, notably the Chioukh of the Sahara, as legitimate representatives, gave the Bey'a sermon to successive Sultans.

The Bey'a was a synallagmatic or bilateral contract. The Sultans with their more or less organized armies at times and the tribes, armed either on their own or by the Sultans, would uphold territorial integrity and national unity against foreign incursions and colonization.

When the Sultans and their armies could not arrive in time on site, because of difficult travel conditions at the time, the tribes did not wait for orders or instructions... They defended the territory by virtue of the Bey'a: a genuine form of decentralization.

❖ Curbing dissent

When local powers shifted towards dissent from a Sultan's authority, the central power would step in to re-establish order, i.e. obedience, and maintain social peace.

As an example, the few tribes of the "Spanish Sahara", that persisted in trading with McKenzie at Cape Juby (Tarfaya), during the reign of Sultan Moulay Hassan the First, were brought back into compliance with the Bey'a by Caid Birouk⁵².

❖ The International Court of Justice opinion of October 16, 1975 and the question of decentralization

The Court's opinion disregards differences of opinion among jurists and adheres to the practice of States at the time in question. According to this practice, sovereignty over territories inhabited by tribes (such as the Sahara) could be acquired, according to the International Court of Justice, through agreements concluded with local chiefs (paragraph 80, p. 30).

Yet, the legal validity of such agreements has been challenged by historians. Once a local chief was identified, representatives of the colonial powers presented him with a document by which he placed himself under the colonizer's protection, with no respect for substantive or procedural conditions, indeed, with no verification of the capacity of the chief in question to conclude contracts or treaties, or that he could read what he was signing, texts in European languages. On top of this, colonial powers' representatives resorted extensively to corruption and/or deception⁵³.

In the specific case of the Sahara, chiefs who supposedly concluded such agreements were bound by the Bey'a to the Sultan of Morocco. As a result, they were not in a position to legally conclude agreements with a foreign power.

In examining the Moroccan and Mauritanian arguments, the International Court of Justice delved into the details of this "social and political organization" as characteristic to the people of the "territory" (paragraphs 87, 88, 89, ...), notably their nomadic routes through present-day Morocco, Mauritania and Algeria, and indeed beyond, into sub-Saharan Africa.

It did not, however, address the question of whether these "characteristics" were actually unique to the people of the Sahara or a common *modus vivendi* to Moroccan tribes further north, which was/is the case. This refutes the Court's argument that the Saharan tribes are distinct from those in other parts of Morocco⁵⁴.

During his 1879 trip to the Oued-Noun country, Sultan Moulay Hassan I appointed a number of governors and caïds and charged them with the permanent guard of southern Atlantic coasts to prohibit the mooring of foreign ships and sanction all violators of this order.

He consolidated his authority over the Saharan provinces by appointing Sheikh Maa Al Aynain as the Sultan's Khalifa (deputy, representative, "vice-king" as the one for the North, residing in Tangier).

During his second trip in 1885 and in response to Spanish attempts to occupy Oued-Eddahab in 1884, the Sultan received a large delegation of Chioukh, ulema, and notables, all of whom renewed tribal allegiances to him. These tribes subsequently took part in the Ouled Dlim attacks against the Spaniards in 1886, forcing them to flee to the Canary Islands. Spain later complained to the Sultan, confirming the latter's sovereignty over the Sahara⁵⁵.

❖ The oath of allegiance is still a pillar of citizenship in all countries today

The widespread practice, or general character, or universality is another important feature of the Bey'a. Far from being specific to Islamic law, allegiance is a universal rule, which has governed the constitution of great Empires throughout the ages. In the Middle Ages, for example, the sovereignty of kings and emperors was based on the allegiance of local lords to their suzerains. Even today, the oath of loyalty (allegiance) remains a required component of citizenship procedures in most countries of the world.

Nevertheless, the Bey'a differs from allegiance in that it is consensual. It has no theocratic element implying submission to a supreme divine authority. Texts defining it, as well as its practice throughout the ages, show that the Bey'a is rather a "contractualization" of power, based on mutual acquiescence.

1.2.3. Present-day decentralization: extending the decentralization in effect at the time of colonization in the Sahara

Drawing on the historic roots of decentralization on the basis of the Bey'a, Morocco designed and upgraded a decentralization model underlying the cultural specificities of the Moroccan Sahrawi populations, in the Broad Autonomy Initiative for the Sahara Region, submitted to the UN in April 2007.

The Initiative provides these populations run their own affairs, in accordance with the principle of self-determination while remaining attached to Morocco. They are to freely elect their regional parliament, from which the regional government will derived. They will operate their own judicial system based on their customary laws while complying with national laws and regulations.

1.3. The internationalization of the Sahara issue

1.3.1. The birth and misappropriation of the Polisario front

The Polisario was officially created in Rabat in 1973 by El-Ouali Moustapha Sayed. The movement was formed by young Moroccan Sahrawi students calling on the Moroccan government to recover territories under the Spanish protectorate through armed struggle, contrary to the Kingdom's choice to peacefully resolve the dispute with Spain.

Upon inception, Polisario sought to militarily liberate the Sahara, as part of the broader process of Moroccan decolonization. Yet, shortly after, the organization dropped into the laps of Libya then Algeria, in an attempt to destabilize Morocco. The Algerian take-over led to the death of the Polisario founder in mysterious circumstances, and the ideological hijacking of the organization, which, straying from its primary objective of liberating Moroccan territories, announced the creation of a fictional separatist republic in 1975.

In 1988, after his late Majesty King Hassan II declared that "the homeland is merciful and forgiving," several senior Polisario leaders and executives renounced their activities and returned to the fold of the mother country. The remaining Polisario fraction is based in Tindouf, Algeria, a city whose population voted for independence from Algeria in a 1962 referendum, and declared itself Moroccan.⁵⁶

The Polisario is not the sole representative of the Sahrawi people, the overwhelming majority of which takes part in all electoral consultations in Morocco's Southern Provinces and is represented at the national and regional levels. The members of the regional councils, provincial assemblies and communal councils, including the presidents, are Sahrawis originating from these same Provinces. In this regard, the Autonomy Initiative is already in place and a lived reality.

1.3.2. The UN process and Morocco's compliance with International Legality

Allegations that Morocco is in breach of International Law and "occupying Africa's last colony" are totally unfounded.

The International Court of Justice issued an advisory opinion on the "Western Sahara" at the behest of the UN General Assembly. It did not issue a judgment. Before the Court, Morocco was not party to a legal, territorial dispute with another state. According to the UN Charter, the advisory opinion was requested in order to inform the UN, the General Assembly, and particularly the Security Council, as to measures they deem necessary and appropriate in relation to the matter.

Article 24 of the UN Charter gives the Council the primary responsibility for the maintenance of international peace and security. Member States recognize this "vesting" by adhering to the Charter.⁵⁷

It is important to stress, anew, that building on the Council's practice, and UN Member States' acquiescence, legal doctrine recognizes the Council's quasi-legislative and quasi-judicial powers, in addition to its executive prerogatives⁵⁸. There is no greater International Legality than this in matters of international peace and security. The Council acts in the name of the International Community and takes all measures it deems appropriate to resolve problems, conflicts... constituting or likely/susceptible to constitute a threat to international peace and security.

Enlightened by the opinion of the International Court of Justice, the United Nations Security Council initiated and still supervises the process of peaceful settlement of the regional conflict over the Moroccan Sahara, in accordance with Chapter VI, Article 33 as already mentioned.

In 1991, it established the United Nations Mission for the Referendum in Western Sahara (MINURSO),⁵⁹ with headquarters in Laâyoune⁶⁰. It was His Late Majesty King Hassan II who, as early as 1981, at the Organization of African Unity Summit in Nairobi, proposed holding a referendum on self-determination to settle the Sahara dispute⁶¹. This initiative was welcomed by the Organization of African Unity.

However, the manifest bad faith of the opposing parties, in particular their repeated manipulation of the inscriptions on the identification lists of Sahrawi candidates for the right to vote in the referendum planned in 1991, prevented the organization of this referendum. Algeria had worked to block and annihilate the process of organizing this referendum by asking Morocco, among other things, to enter into direct negotiations with the Polisario for the independence of "Western Sahara", as it had illegally forced the admission into the Organization of African Unity, in February 1982, of the so-called Sahrawi Arab Democratic Republic ("SADR")⁶².

Plans worked out and advocated by the UN failed because of hardline, unrealistic⁶³ positions and obstruction by the other parties, primarily Algeria, which very often reacts to UN decisions before the Polisario does. This illustrates Algeria's genuine role as the main party to this protracted conflict.

1.3.3. Morocco's Broad Autonomy Initiative for the Sahara Region - a manifestation of the right to self-determination

After the resignation of UN Secretary-General's Personal Envoy James Baker in June 2004, Morocco began considering ways to revive the political settlement of the conflict. It drafted the Autonomy Initiative, with active input from Sahrawi representatives (elected officials, Chioukh, NGOs...) and all Moroccans concerned, in consultation with the UN Security Council Permanent Members (P5) and key states, including Spain, which is familiar with the issue, Saudi Arabia and other internationally or regionally influential States.

On 10 April 2007, Morocco deposited at the United Nations Secretariat General its Initiative of a Broad Autonomy for the Sahara Region, with a view to settling the conflict on mutually beneficial -i.e. Win-Win- terms, whereby the Moroccan State would retain core sovereign prerogatives (foreign affairs, national defense, religious affairs...) and the Sahara Region would enjoy broad competences enabling the Region's population to manage their own economic, social and cultural affairs. They would furthermore take part in national and foreign policy matters and benefit from the Kingdom's active solidarity in development when the Region's resources are deemed insufficient.

According to this Autonomy Plan, the Sahara Region would have, in particular, jurisdiction over social matters (housing, education, health, employment, sports, security, and social protection), infrastructure (water, hydraulic installations, electricity, public works, and transport), culture, and the environment.

It would have access to the financial resources required for its development in all areas. These resources will consist of the following:

- Taxes, duties, and territorial contributions enacted by relevant regional bodies.
- Revenues from natural resources operations allocated to the Region.
- Revenues from natural resources located in the Region and collected by the State.
- Resources allocated as part of national solidarity.
- Income from the Region's assets.

The Region would freely elect its own parliament, autonomous government elected by the parliament, and proper judiciary system to ensure observance of Sahrawi laws and customs, as well as respect for and development of the Hassani culture and language, a matter already enshrined in the 2011 Moroccan Constitution.

The autonomy plan was recognized as serious, credible, and feasible by the International Community. It is supported and advocated by several countries: the United States recognized the Moroccan sovereignty over the "Western Sahara" on December 20, 2020; weighing European countries such as Germany, Belgium, Spain, France, Hungary, the Netherlands, Portugal, Romania, Serbia, ... expressed their support for the Broad Autonomy Initiative.

In proposing a broad autonomy, as a means of fulfilling the Sahrawi people's right to self-determination, and in reviving the UN process for resolving the conflict under UN Security Council auspices, Morocco fully abides by International Legality.

1.3.4. Recognition of the Sahara's Moroccan identity

Through the efforts of Moroccan diplomacy, under the aegis of His Majesty King Mohammed VI, a number of countries around the world have become aware of the true stakes involved in the Sahara issue and the legitimacy of Morocco's position. This has prompted, as of December 2022, 27 countries to establish consulates in the cities of Dakhla or Laâyoune, as a token of their support for the Sahara's Moroccan identity.

2. The current situation in the Moroccan Sahara

2.1. The Royal Vision as to the Sahara's Moroccan Identity

For His Majesty King Mohammed VI, the Sahara is an integral part of the Kingdom and constitutes a historical bond between Morocco and the rest of Africa.

"The Moroccan identity of the Sahara is a perennial and immutable truth; it does not suffer, therefore, any dispute, firstly, because the legitimacy of our Cause is validated by history, secondly, because such is the fundamental wish and ardent desire of the Saharawi population, and thirdly, because it has been acknowledged internationally."

"... Through [major] projects, the Sahara has now become a space that is open to development opportunities and a platform for national and foreign investment." (Speech of His Majesty the King at the 46th anniversary of the Green March, November 6, 2021; Excerpts).

The defense of the Sahara's Moroccan identity "proceeds from an integrated vision that combines political and diplomatic action with the promotion of socio-economic and human development in the region."

"...Throughout history, the Moroccan Sahara has constantly bonded Morocco to its deep African roots at the human, cultural, and economic levels." (Speech of His Majesty the King at the 47th anniversary of the Green March, November 6, 2022; Excerpts).

In his Address to the Nation at the 44th anniversary of the Green March, His Majesty King Mohammed VI, while expressing "His determination to establish Morocco as a key player in constructing the Africa of tomorrow", emphasized that "the Moroccan Sahara constitutes Morocco's gateway to sub-Saharan Africa".

According to the Royal Vision, the Southern Provinces of Morocco are gradually becoming a crucial African hub. They are called upon to innovate in the design and implementation of local development projects by consolidating the different strengths they have. Agribusiness, seaside and cultural tourism, and renewable energies are all niches that could form a basis for the economic attractiveness of these Provinces.

The Southern Provinces could contribute to the success of the economic, energetic, ecological, and digital transitions in Africa by acting as "living laboratories", i.e., spaces for co-creation and open innovation, allowing for the promotion of innovative developments and the practical testing of innovative products and services.

2.2. The primacy of decentralized development

2.2.1. Advanced regionalization at the service of Southern Provinces' development

The constitutional reform of 2011 gave the Region a prominent place. The new territorial division of Morocco into 12 regions, instead of 16, laid the foundations for a Moroccan regional model, based on "economically and geographically complementary and socially and culturally harmonious regions".

Morocco's Sahara consists of 3 regions, namely, Guelmim Oued-Noun, Laâyoune - Sakia Hamra, and Eddakhla Oued-Eddahab. These regions had a population of 1,040,327 inhabitants as of September 2021, i.e. 2.86% of Morocco's total population.

The Moroccan regional model is based, among other things, on:

- electing regional councils by direct universal suffrage;
- overhauling the composition and powers of the second chamber of Parliament, with a view to ensuring regional territorial representation; and
- establishing financial mechanisms to promote solidarity between regions: regional cohesion funds, an equalization system,...

The Southern Provinces are the first to draw on this advanced regionalization model, the basis of which converges perfectly with the autonomy plan proposed by Morocco to definitely resolve the contrived conflict in the Sahara. This plan, recognized as based on the spirit of compromise, credible, realistic, and feasible, constitutes a reliable form of self-determination for the Sahara, where most of Morocco's ruling dynasties have originated.

2.2.2. The Southern Provinces' new development model

The model "is based on fundamentals defined in the Constitution, international conventions ratified by Morocco, and the objectives of the Social Charter elaborated by the Economic, Social and Environmental Council." Four principles lie at its core :

- Inclusive and sustainable human development.
- Representative stakeholder and local population participation at all regional development program elaboration and implementation phases.
- Respect for, and effectiveness of citizens' fundamental human rights.
- Consolidation of the role of the State as regulator and guarantor of law enforcement⁶⁴.

According to the Economic, Social and Environmental Council, "the new model calls for a vision and processes that are more participatory, more inclusive and backed by responsible governance. These changes are essential to driving real economic growth and cooperative social relations that carry cohesion and hope".

2.3. The Sahara development momentum sustained by the Moroccan State

2.3.1. Strategies implemented

The Moroccan government is the largest investor and employer in the Southern Provinces since 1975. Investment primarily focuses on high priority social sectors and by far exceeds these provinces' revenues from mining and fishery resources.

Since the return of the Sahara to its mother land, "every Dirham [MAD] of revenue from the region had been met by Morocco investing sevenfold in its Sahara, in solidarity among its regions and among the children of a United Homeland"⁶⁵.

From 1975 to 2013, Morocco invested some MAD 120 billion (\$12 billion) in infrastructure (administration, communications and telecommunications, electricity and water ⁶⁶, education, housing, health...), to the effect of raising the population's standard of living equating that of the most developed regions.

2013 marked a turning point when His Majesty King Mohammed VI launched the New Development Model for the Southern Provinces, with a budget of MAD 77 billion, i.e. USD 7 billion, dedicated to key infrastructure projects ⁶⁷.

Seven years later, expenditures amounted to 80% of the allocated funds⁶⁸. Achievements include completion of the Tiznit-Dakhla expressway, junction of the southern regions to the national electricity grid, enhancement of the communication networks and build-up of solar and wind power stations. Feasibility studies and administrative red-tape pertaining to the great port of Dakhla-Atlantic were completed, full realization is due in 2028, and operationalization of terminals in 2029 ⁶⁹.

The UN has taken note of these developments in the UN Secretary General's Report on the Sahara of October 1, 2021, submitted to the Security Council⁷⁰.

2.3.2. Dynamic economic growth

Thanks to massive state investment, the Southern Provinces are on a faster growth trajectory than Morocco's main metropolitan areas.

During 2013-2019, the Southern Provinces grew at an average annual rate of nearly 6%, exceeding the 3.3% per year national average. This brought GDP per capita in these provinces to an average of MAD 50,000 per year for the period under review, far exceeding the national average (MAD 30,000 per year). Eddakhla-Oued-Eddahab has the highest GDP per capita in Morocco (MAD 74,359 per year), outpacing by 57% that of Casablanca-Settat, the economic heart of the Kingdom (at MAD 47,322).

Economic development in the Southern Provinces over the same period came with a drop in the weight of the secondary sector in regional wealth from 17.7% to 16.7%: the provinces' economy has gradually emancipated itself from the extraction of natural resources to the benefit of tertiary activities (market and non-market services), which have created over 64% of their⁷¹.

The main driver of economic growth in the Provinces -grouped within three regions- over the same period stood as follows⁷² :

- Primary sector, notably, fishing, for Eddakhla-Oued-Eddahab : 25.7%
- Secondary sector 30.9% of regional value added for Laâyoune-Sakia-El Hamra: 30.9% of regional value added
- Tertiary sector for Guelmim-Oued-Noun: 69.9%

The Southern Provinces are shifting from a resource-based economy to a competitive economy under the New Development Model, with an environment conducive to private investment susceptible to become the main generator of wealth and employment.

Investment between 1975 and 2015 was mainly made up of small and medium-sized enterprises in the fishing, hotel and tourism industries. Since the launch of the 2016-2025 Program, a number of major private players have committed to investing a total of MAD 6 billion (\$600 million) in some 60 projects⁷³.

In terms of foreign investment, operators from some thirty countries were present in the Southern Provinces at the end of 2020, amongst them a few international banks.

Moreover, barriers to U.S. investment have been removed since the U.S. recognition of Moroccan sovereignty over the Sahara, following President Biden's decision and its approval by Congress, renewing the provision of assistance to Morocco's Sahara.⁷⁴ A digital platform to promote these investments was accordingly launched in 2021, in Laâyoune, with financial support from the U.S. State Department's Middle East Partnership Initiative⁷⁵.

2.3.3. Developing natural resources for the benefit of the population

As far as mining resources are concerned, the Southern Provinces account for only 1.6% of Morocco's proven phosphate reserves, considering that the Kingdom holds 70.4% of global known reserves ⁷⁶.

The sustainable development of phosphate resources at Boucrâa -a site some 100 km south of Laâyoune- requires extremely costly infrastructure. In this area, which is subject to severe geographical and climatic constraints, very expensive mining equipment and maintenance make phosphate extraction costs 2.5 times higher than in the mine sites north of Morocco, thereby heavily undermining the profitability of the Phosboucrâa Company, which is constrained to reinvest all of its revenues in the Boucrâa site.

1976-2010's OCP Group investments in Boucrâa amounted to approximately U\$ 2 billion. Those programmed for 2011-2026 amount to 1.8 billion⁷⁷.

Revenues accruing from fisheries mainly benefit the Morocco's Saharan populations as has been recognized by the International Community and particularly the European Union. A 2018 Report⁷⁸, issued by the European Commission and the External Action Service of the European Union, stated the extension of tariff preferences to fisheries' imports would have a major economic and therefore employment impact on the territory.

Both institutions confirmed this benefit, thus paving the way to the lifting of the blockade engendered by the decision of the European Union Court of Justice of December 21, 2016, seized by Polisario, challenging the validity of Fisheries Agreements concluded between Morocco and the European Union.

On this regard, it is noteworthy that European judicial bodies are regularly seized by legally unfounded Polisario requests which serve the political purpose of imposing, through jurisprudence, Polisario as sole representative of the people of the Sahara. Between 2012 and 2019, seven such requests have been brought before these bodies.

On May 25, 2023, the London Court of Appeal "irrevocably rejected the appeal of the pro-separatist NGO "Western Sahara Campaign" (United Kingdom Branch: WSCUK) against a previous decision of the Administrative Court, rejecting his request which attempted to call into question the association agreement binding the two countries [and confirmed] the validity of the association agreement binding the two countries and which benefits the populations" since 2021.

These repetitive actions are in fact a form of judicial "guerrilla", engaged by opponents of Morocco's territorial integrity, to alter Morocco's cooperation with its partners and hinder its trade relations. Among the few of them that have found an echo with European justice, the judgment of the Court of the European Union dated September 29, 2021, which fully embraced the Polisario thesis, to the detriment of the rule of law.

The Court of the European Union logically has no jurisdiction to rule on these suits, as these do not pertain to violations governed by the provisions of the Treaty on the Functioning of the European Union (Article 263, paragraph 2),

Furthermore, the judgment creates a dangerous admissibility precedent granting Polisario the status of the only representative of Saharawi populations and applying to it rules of law to which only constituted States are subject, referring to UN General Assembly Resolution 34/37, dating back to 1979. This resolution, which fingered Morocco as an "occupying power" and the Polisario as a "representative", was rendered obsolete since 1981, and no one but the Polisario has invoked it for forty years.

Last but not the least the Tribunal applied provisions of the Vienna Convention on the Law of Treaties of 23 May 1969 to Polisario, whereas they in principle apply only to states, and the court itself, following Member States of the European Union and the majority of States worldwide does not recognize the self-proclaimed Sahrawi Arab Democratic Republic (SADR). Proclaimed in Algiers, and its "president", "ministers" and "institutions" settled in Rabouni, a vicinity of Tindouf, Algeria.

On merits, by rescinding the decision of the European Union Council to include the Southern Provinces within the scope of the Agreement with Morocco, the judgment aimed at indirectly invalidating, on the same grounds as the 2015 judgment, the said agreement, that the consultations conducted by the European institutions did not allow for the consent of the populations concerned, though these populations elected the regional, local, and professional institutions consulted. The court's judges did not specify any other modalities to be followed to secure what would be a valid consent in their understanding.

In so doing, the Tribunal ignores the existence of democratically elected representatives of the Sahrawi people of the Southern Provinces involved, the UN settlement process that has renounced the organization of a referendum and the joint report of the European Commission and the European External Action Service, which demonstrates that fisheries resources exploitation in the Sahara benefits the local population.

The extension of the agricultural and fisheries agreements was the result of a genuine cooperation between Morocco and all European institutions concerned. The Kingdom has, in this context, made an important concession authorizing European institutions to prepare a report on the management of natural resources in its Southern Provinces, which in principle falls under its exclusive sovereignty.

The invalidation of these agreements by the European Union Tribunal illustrates tensions between a judicial institution overstepping its jurisdiction, ruling on a political, not a legal, dispute, on the one hand, and on the other, political institutions that represent and defend the interests of the EU member states.

2.4. Putting people at the heart of national and regional development strategies

2.4.1. The attachment of the Sahrawi populations to Morocco

Since returning to the motherland, the recovered provinces' populations actively participate in socio-political life, be it legislative, professional, regional or provincial, or communal, as framed by the Constitution, laws, regulations and institutions of the Kingdom; which constitutes a solid evidence of Sahrawi people's attachment to their Moroccanness. This is a clear expression of the right to self-determination. Participation's rates to elections are higher than those registered in other regions of the Kingdom.

For instance, during the parliamentary elections of September 8, 2021, the national turnout for registered voters was 50.18% and that of the region of Casablanca-Settat 41.04%, those of the Southern Provinces were as follows ⁷⁹ :

- Laâyoune-Sakia El Hamra : 66,94% (66,5% in Laâyoune and 85% in Es-Semara).
- Eddakhla-Oued Eddahab: 58,30%.
- Guelmim-Oued-Noun : 63,76%.

Involvement in political life extends to managing public affairs, across all areas and at all levels. Many Sahrawis have joined the civil and military civil service, local authorities (regions, provinces, municipalities), professional chambers, public and semi-public companies and offices. Many hold senior positions in government ministries: Ambassadors, Walis, Governors, Directors General, Central and Regional Directors, Professors...

Far beyond the political dimension, Saharawi people's attachment to their Moroccan identity is expressed in social and identity terms. It has been noted that endogamy in Saharawi society has dropped from over 97% in 1960 to under 55% in 2006⁸⁰. This illustrates the high degree of Saharawi integration with the rest of Moroccan society.

2.4.2. Promotion of human rights

Morocco applies one and the same human rights policy throughout its territory. It has established institutions in charge of protecting and promoting human rights at the national level, taking into consideration the specificities of the Southern Provinces.

The National Council for Human Rights and regional commissions

The National Council for Human Rights was created in 2011 as a successor to the Consultative Council for Human Rights created in 1990 in accordance with the Paris Principles notably guaranteeing independence of national human rights promotion and protection bodies⁸¹. Its mandate is to conduct studies⁸² and produce annual and thematic reports (Preliminary report on the observation of the municipal and regional elections of September 4, 2015, Status of equality and parity in Morocco, Memorandum on the freedom of association in Morocco...). To this end, it receives support from regional commissions⁸³, of which one is located in Laâyoune and another in Dakhla.

Other mechanisms: the Interministerial Delegation for Human Rights (DIDH)

Established in 2011, this delegation contributes to the development and implementation of government policy on human rights, coordinates government action to promote a human rights culture, and recommends measures to incorporate human rights into public policy, particularly in the Southern Provinces. The Delegation submits national reports to UN bodies and contributes to Morocco's participation in international initiatives in this area⁸⁴.

The Delegation analyzes foreign reports on these policies and the relevance of their application, and formulates responses to these reports.

Furthermore, Morocco is party to a number of international human rights instruments and takes part in the work of several UN bodies charged with their promotion (conferences) or supervision of their implementation (Human Rights Council, committees, Special Procedures).

With regard to the Southern Provinces, in addition to the above, and as part of its active support to the UN peaceful settlement process of the impending conflict over the Moroccan Sahara, Morocco maintains regular ties with the other UN human rights bodies (The Office of the High Commissioner for Human Rights for instance).

Morocco has accordingly hosted a number of Special rapporteurs and experts⁸⁵. Among those who have recently devoted part of their mission to the Sahara, the following should be mentioned:

- The Special Rapporteur on the Right to Food, who conducted a visit from 3 to 11 October 2015, including Dakhla⁸⁶. In her report, she found that Morocco has embarked on a process of democratization and made significant progress in reducing poverty [...] ⁸⁷ ;
- The United Nations Special Rapporteur on Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, Juan E. Méndez, who conducted a visit from September 15 to 22, 2012, including Laâyoune⁸⁸.

At the end of his mission, the Office of the United Nations High Commissioner for Human Rights summarized Mr. Méndez's report in stating that Morocco was developing a human rights culture⁸⁹.

2.4.3. Inclusive and equitable human development

Human development in the Southern Provinces, as measured by the UNDP Human Development Index, has improved significantly. It went from 0.384 in 1980 to 0.576 in 2004 to reach 0.643 in 2014, which is better than the national average (0.628).

The Southern Provinces stand out from the other regions of Morocco for their broad access to basic social services ⁹⁰:

- The share of urban households occupying modern housing reached 94% in 2014 compared to 87.4% nationwide⁹¹.
- Nearly 89% of households were connected to drinking water networks, in 2017, compared to 77% nationwide⁹².
- In 2017, over 94.9% of urban households were connected to the sewage network, similar to the national rate (94.6%)⁹³.
- In 2017, nearly 72% of the rural population had access to roads compared to a national average of 60.6%⁹⁴.
- Around 67.5% of the rural population had access to basic health care facilities in 2017 against 55.9% nationwide⁹⁵.

In terms of human capital indicators, particularly education, the Southern Provinces again surpassed the national average ⁹⁶.

- Gross school enrollment rate for people aged 6 to 22 years, all levels combined, rose from 67.4% in 2004 to 96.5% in 2018. This rate increased from 56.1% to 94.6% nationwide over the same period⁹⁷.
- School life expectancy, defined as the average number of years of study that an individual in school is expected to spend in the education-training system, stood at 13.7 years in 2017 compared to 12 years nationwide⁹⁸.

With respect to health, the performance of the Southern Provinces is as follows:

- Life expectancy at birth in the Southern Regions in 2010 was 76.5 years compared to 74.8 years nationwide⁹⁹.
- As of 2017, health coverage of the population stood at 71.4% in the Southern Regions against 53.8% nationwide in Morocco. Medical consultation rate is the highest nationwide (90.5% in 2017) against an average of 71%. Rural population's access rate to basic health care facilities (67.5% in 2017) is well above the national average (55.5%)¹⁰⁰.
- Nearly 96.8% of women received a prenatal consultation during pregnancy in 2017, compared to 86.5% nationwide; 96.2% of women gave birth in a supervised environment against 87.6% nationwide ¹⁰¹.

These indicators highlight the consolidation of human capital and the fact that Southern Provinces are likely to be part of a trend that could eventually place them at the head of Morocco's regions in terms of economic growth and human development.

3. The situation in the camps of Tindouf under the yoke of the Polisario, but effectively of Algeria

3.1. Tindouf: lawlessness in the camps of Tindouf

The Tindouf camps, the space between and around them, sometimes up to the borders with Mauritania, constitute a zone of lawlessness.

The camps of Tindouf themselves are five sites established during 1975-1976 in an arid desert region in southwestern Algeria, on the outskirts of the Algerian city of Tindouf. The exact number of inhabitants of these camps is unknown. In spite of several international and Moroccan requests, Algeria has never allowed the United Nations to carry out a census nor conducted one itself.

Hence, the contradictory estimates. On the basis of data provided by Polisario, the population of these camps has been estimated at 173,600 as of December 31, 2017¹⁰², of which 90,000 deemed vulnerable and in need of assistance¹⁰³ by the United Nations High Commissioner for Refugees¹⁰⁴.

The camps also harbor offenders, Algerians Sahrawis and sub-Saharan, whose numbers vary depending on circumstance, and brought to the camps to increase population numbers for humanitarian aid or to serve Algeria's political agenda against Morocco.

Other "inhabitants" reside abroad, amongst them Polisario officials and representatives, but keep domiciled in the camps which they visit at certain times.

The overwhelming majority of the inhabitants of Tindouf camps remain highly dependent on international humanitarian aid, living in very difficult conditions, in stark contrast to the quality of life in the Southern Provinces of Morocco.

Tindouf in 2021



Dakhla in 2021



3.1.1. Locked down camps to isolate inhabitants

The Algerian authorities and Polisario leaders have done everything possible to isolate the inhabitants of the Tindouf camps and prevent them from freely moving, or fleeing, making the camps a kind of huge plein-air prison :

- The region is a military zone and the camps are surrounded by Algerian military forces, the "second belt". A first security ring consists of checkpoints guarded by Polisario elements loyal to the Algerian intelligence and security services.
- The camps are scattered, several kilometers from each other, in order to make contact between inhabitants difficult.
- Travel from camp to camp is subject to special authorization from Polisario, giving rise to arbitrariness, abuse, corruption and other forms of coercion, including sexual abuse.
- Travel from the camps to Mauritania or to other Algerian locations is virtually impossible without Algerian authorization.
- Family encounters between camp residents and residents of Morocco's Southern Provinces, supervised by the United Nations High Commissioner for Refugees as part of the Confidence-Building Measures (CBM) program, were permanently halted in 2014 by Polisario ¹⁰⁵. The separatist movement fears that the beneficiaries of the program from the camps discover –contrary to propaganda- that the living conditions in Morocco's Southern Provinces are far better than those of the camps and start making demands.

3.1.2. Putting the question of rights and democracy on the back burner

In his speech at the 12th Polisario Congress in 2007, former Secretary-General of the separatist movement, Mohamed Abdelaziz, said that the democratic question will only arise once the "liberation" of the Sahara is complete.

The proposal for a one-time renewable term of office for the Secretary-General failed to materialize ¹⁰⁶. Mohamed Abdelaziz was predictably "re-elected" at every three-year congress. At the 14th Congress, in December 2015, the proposal was finally adopted... for a semblance of democracy. Mohamed Abdelaziz, the sole candidate for his own succession, was re-elected, although his troubling state of health was known to all.¹⁰⁷ He died of cancer on May 31, 2016¹⁰⁸.

Algiers brought Brahim Ghali back from Spain, where he was facing trial for a wide range of crimes (rape, torture, and even war crimes and crimes against humanity), and installed him as head of Polisario and the pseudo-Sahrawi Arab Democratic Republic (SADR). Nothing has changed. Algerian governing generals continue to play a game of mirrors with Polisario.

3.1.3. Denial of women's and children's rights

The inhabitants of the Tindouf camps continue to live in a state of lawlessness, where Polisario members "govern" under the command of Algeria's Department of Intelligence and Security and engage in grievous actions prohibited by International Law, in complete impunity. Two examples, among many others, suffice to illustrate this reality.

3.1.4. The persistence of slavery

In 2009, two Australian journalists fortuitously discovered instances of slavery at the Tindouf camps. They secretly filmed "Stolen", a documentary, and released it despite pressures from Polisario ¹⁰⁹.

Human Rights Watch (HRW) noted in its 2008 report that the separatist movement must act to stop this practice against black people¹¹⁰.

The NGO lacks the means to observe or verify everything, and Polisario is able to conceal a number of facts. There still are "slavery practices" continue to take place in the camps, notably the one of having people at the service of a "master" all their life, assigned to specific and humiliating tasks, as "possessions". Only these "masters" may decide to set them free.

3.1.5. Outright banning of any opposition

Polisario practices the policy of Algeria, especially during its first decades post independence (1962-1980), that of the single party. Peaceful demonstrations are pitilessly crushed. Repeatedly, residents of the camps have shown dissatisfaction and anger by going out in protest, either about the said policy in general, or corruption blighting the armed movement, or unjust and unjustified discriminatory measures based on tribal affiliation¹¹¹, such as arbitrary imprisonment, torture, disappearances and the killing of opponents, in particular, in places of detention ¹¹².

3.1.6. Hijacking humanitarian aid

Starting from the false assumption that, despite the absence of a census, all the inhabitants of the Tindouf camps are refugees, the United Nations High Commissioner for Refugees, the European Union ¹¹³, certain countries as well as NGOs grant regularly significant humanitarian aid, tens of millions of euros or dollars that they increase each time exceptional events occur such as the floods of 2006 or 2015 ¹¹⁴.

A significant part of this aid is diverted by the Algerian authorities and those of the Polisario, as soon as it lands in the Algerian port of Oran.

The president of the Non-Governmental Organization "Teach the Children International" (NANCY HUFF) revealed that part of the aid for which she was responsible began to vanish between 2000 and 2007...¹¹⁵

A report by the European Anti-Fraud Office, published in 2015, highlighted a number of cases of misappropriation of EU humanitarian aid dedicated to the camps by Polisario¹¹⁶.

3.1.7. Largely internationally recognized human rights violations

The numerous violations that took place in the camps of Tindouf were reported on multiple occasions by international concerned bodies:

- In a 2018 report on the implementation of the International Covenant on Civil and Political Rights in Algeria, the United Nations Human Rights Committee expresses "concerns about the de facto devolution [by Algeria] of its powers, in particular jurisdictional, to the Polisario Front and that such a position is contrary to the obligations of the State party according to which it must respect and guarantee to all individuals on its territory the rights recognized in the Covenant. It is concerned at the allegations that victims of violations of the provisions of the Covenant in the Tindouf camps do not therefore have an effective remedy before the courts of the State party (art. 2) "¹¹⁷.
- In a 2008, Human Rights Watch report¹¹⁸ : "A disturbing aspect of the state of human rights in the camps of Tindouf is the population's isolation and absence of regular, on-the-ground monitoring of human rights." The report continues "*Algeria has de-facto abdicated responsibility for human rights violations committed by Polisario on Algerian territory. This is unacceptable: the International Community must hold the Algerian government, along with Polisario, responsible for all Polisario violations committed in Algeria.*"

Furthermore, a number of successive UN Secretary-General Reports point-out the challenges encountered by humanitarian agencies in meeting the needs of camp inhabitants, because of financial hardship ¹¹⁹ made worse by the Covid-19 crisis¹²⁰. These difficulties are exacerbated by Polisario international humanitarian aid misappropriation, as documented by a number of international organizations¹²¹.

3.2. Divisions within Polisario: on the myth of representativeness

On the political level, "the representativeness of the Saharawi people" claimed by the Polisario is denied by the concrete data. This militia can only represent part of the inhabitants of the camps, whose number is imprecise and who, in any case, only constitute part of the Sahrawi populations. As stated before, the overwhelming majority of these people have chosen to live with dignity and decency in the Southern Provinces of Morocco, participate in all the electoral consultations which bring to positions of national, regional, provincial, communal and professional responsibility their representatives, entitled to speak on his behalf.

Beyond its deceit, this representativeness of Polisario is now questioned within its own ranks. The Algerian-armed movement faces bitter and well-founded criticism in the camps, where a new generation is calling for democratic reforms and greater political opposition involvement.¹²²

One Polisario co-founders chose to defect in 2004 along with his faction, Khat al-Shahid, on the grounds that the front benefits from the status quo characterizing the Sahara dispute, hence lacks the will to find a solution thereto. This faction now supports the Moroccan Broad Autonomy Initiative for the Sahara Region.

The "revolutionary youth" demonstrations of March 2011 highlighted the emergence of a group of young people more inclined to challenge the old guard's legitimacy¹²³, oppression in the camps of Tindouf, and opacity of decision-making processes.

3.3. Polisario: a destabilizing factor in the Sahel-Saharan space

There are several converging indications that Polisario reoriented its action from the supposed defense of the rights of Sahrawi people to a mercenary militia and destabilization force in the Sahel-Saharan region. In 2011, some of its members were accused of fighting alongside Muammar Gaddafi's troops against rebel forces during the Libyan conflict in 2011¹²⁴.

Moreover, the installation of a Daesh branch in the Sahel-Sahara would not have been possible without the contribution of Polisario. The founder of the Islamic State in the Great Sahara, Adnan Abu Al Walid Al-Sahrawi, came from the ranks of Polisario. Moreover, the ties between the Islamic State organization and Polisario open the possibility of a junction between local groups and large foreign groups, such as Hezbollah, with which Polisario has long-standing ties.

More seriously, in a statement to Le Monde on January 23, 2023, a senior Polisario leader expressed the militia's willingness to attack Moroccan civilian populations: "Not only do we have to attack the wall, but we have to attack Morocco's economic infrastructure to prevent it from taking advantage of our resources. Sahrawis in the occupied territories must take part in the conflict. We may have to consider suicide bombers"¹²⁵.

4. Algeria: a stakeholder in the Sahara conflict

4.1. Algeria's instrumentalization of this conflict

After gaining independence, Algeria strongly focused its foreign policy on territorial issues, with the aim of strengthening the young state's sovereignty over an Algeria defined exclusively according to borders fixed by the colonial power. To this end, it actively supported a number of African and European separatist movements, including the Movimiento por la Autodeterminación e Independencia del Archipiélago Canario, an armed group demanding independence for the Spanish Canaries archipelago, as well as terrorist groups, such as the one led by Ilich Ramírez Sánchez, known as Carlos, responsible for perpetrating a number of attacks in Europe.

In addition to this desire to legitimize armed separatist groups like the National Liberation Front, in its 1962 version after seizing power by force, there was the other Number One strategic purpose of destabilizing Morocco and maintaining an artificial territorial conflict that would prevent the Kingdom from asserting its rights over certain territories annexed by France and ceded to Algeria, to serve their hegemonic goals.

Before Morocco regained its sovereignty over "Western Sahara" in 1975, Algeria had no firm position on the self-determination of the "Sahrawi people". It was following the Green March it decided to grant her unconditional support to the Polisario. The "SADR", proclaimed on February 27, 1976 in the uninhabited locality of Bir Lahlou, is in fact only a dummy entity, devoid of any real, effective constituent element of the State. This is proven by the fact that:

- 163 Member States of the United Nations, or 85% of the total, do not recognize this entity¹²⁶ whose admission to the Organization of African Unity in 1984 was made at the instigation of political leaders at the salary of the Algerian leaders of the time, in defiance of the Charter of this organization.
- The SADR was established by Algeria as a "pilot project" intended to destabilize Morocco, to achieve in practice the junction of their territory with the Atlantic, which the colonial power, France, had not been able to achieve. and thus impose Algerian hegemony throughout the region. The Algerian leaders intend to make the "SADR" and the Polisario the extension of their model based on violence.

The threats addressed in the 1960s by Boumediene to the Tunisian Presidents Bourguiba and Mauritanian Ould Daddah, to rally them to him against Morocco, having not borne fruit, he made the "RASD" and the Polisario an instrument pressure and indirect threat. The real capital of this fictitious entity is not Bir Lahlou, but Rabouni, very close to Tindouf (Algeria), where the civil and military "ministers", "parliamentarians" and "civil servants", officiate and are paid by the Algerian government, some directly by the military intelligence services. It was in Rabouni that the internment camps and jails of the "SADR", including the famous prison of Errachid, were established and the prisoners tortured, some summarily executed.

- The part of the Algerian territory in the region of Tindouf has been de facto "ceded" by Algeria to the Polisario which governs it, under the supervision of the Algerian army. By this cession, Algeria would intend to be able to release its responsibility concerning the violations of all kinds (repressions, deportations of children under the pretext of studies, diversion of international humanitarian aid, etc.) perpetrated by the Polisario. But as no transfer in good and due form, according to the rules of international law, registered with the UN, has taken place, Algeria remains totally, jointly and severally with the Polisario (in solidum) responsible for the said violations in the camps. If the legal actions brought against Polisario leaders for torture and other crimes were to succeed, Algeria could also be held responsible.
- The purpose behind the creation of the SADR has always been to have a satellite state, based on violence, serving to indirectly enlarge the territory and extend the "power" of Algeria, to the detriment of Morocco, to weaken it, in particular, by cutting it off from its African roots. It is in a way the model that the Algerian leaders wanted to establish in "Western Sahara".

4.2. Algeria's stubbornness in sustaining the Sahara conflict at the expense of Maghreb development

- Beyond serving as a base of operations and headquarters for activities of all kinds for the Polisario and supporting it financially and logistically at the military, diplomatic and media level (all-out propaganda), Algeria's interference in the question of the Sahara go as far as direct involvement, as illustrated by the following acts: Algerian officials have very often made official statements ahead of those of Polisario to reject UN and Moroccan initiatives regarding a solution to the conflict.
- Behind the scenes at the UN and elsewhere, including during peace talks, Algerian officials present as "observers", or in the corridors, gave Polisario representatives instructions, drafted their notes and their "proposals".
- These acts occurred even during meetings on the humanitarian confidence-building measures supervised by the United Nations High Commissioner for Refugees.
- The majority of Algeria's highest officials do not have a consistent line. Their concerns and interests are neither those of the Algerian people nor the unity of the Maghreb. Former Algerian presidents and generals have made statements recognizing Morocco's sovereignty over the Sahara, only to retract under pressure from incumbent powerful generals.

However, Algeria's political and religious leaders are not unanimous in supporting the militia. For instance, at a joint press briefing with Algerian revolutionary leader Houssine Aït Ahmed in London on December 16, 1985, former President Ben Bella declared that the "Western Sahara" is Moroccan¹²⁷.

Moreover, former Algerian Minister of Defense, General Khaled Nezzar, did the same, admitting that the assassination of President Mohamed Boudiaf by the powerful Department of Intelligence and Security was because of his unwavering support for the Moroccan identity of the "Western Sahara", and thus his total rejection of *Polisario*¹²⁸. President Boudiaf was assassinated by those who had brought him back to Algeria¹²⁹.

Let's also mention Amar Saâdani, former President of the Algerian People's National Assembly and former Secretary General of the National Liberation Front, who said that historically the Sahara is Moroccan and "nothing else" and that Algerian officials poured colossal amounts of money on Polisario, instead of investing in developing their own country¹³⁰.

4.3. The systematic refusal by Algeria of the outstretched hand of Morocco

Morocco has always adopted a favorable attitude towards Algeria. After the French occupation of this country in 1830, the support for the Algerian resistance had led to the battle of Isly in 1844 and the defeat of Morocco, with as a consequence the imposition on the Kingdom of the Treaty of Lalla Maghnia in March 1845, a prelude to the ambitious French colonial project in Morocco.

During the Algerian War (1954 to 1962), the support and arming of the Algerian resistance had even led to the deterioration of Morocco's relations with France. Despite numerous requests from France, Morocco had refused to open negotiations with a view to settling the question of the Algerian-Moroccan borders. For His Late Majesty King Mohammed V "...any negotiation that would engage with the French Government regarding the claims and rights of Morocco will be considered as a stab in the back of our Algerian friends who are fighting, and I prefer to wait for the independence of Algeria to ask my Algerian brothers the border dispute¹³¹. "

Despite the acknowledgment by the Provisional Government of the Algerian Republic of the arbitrary nature of the delimitation by France of the borders between Morocco and Algeria, the latter country has since its independence in 1962 challenged any desire for negotiation, by making prevail "the principle" of the inviolability of borders inherited from colonization.

It was only in 1972, eleven years after the enthronement of the late His Majesty King Hassan II, that an agreement was concluded between the two countries on the drawing of their borders in return for the joint exploitation of the significant iron resources from the Gara Jebilet¹³² deposit as part of the construction of a Greater Maghreb, which has yet to see the light of day.

On several occasions, His Majesty King Mohammed VI has expressed his desire to work with Algeria for better relations and Maghreb construction.

Thus, in 2018, he expressed his “commitment to work hand in hand with our brothers in Algeria, with total respect for the national institutions of their country. Driven by the affection and esteem we have for Algeria, to its leadership and its people, we will spare no effort, in Morocco, to establish our bilateral relations on solid foundations of trust, solidarity and good neighbourliness, inspired in this by the word of Our Grandfather, peace and salvation. About him: Jibril told me so much to be kind to my neighbors that I almost thought he was going to make them my own *heirs*¹³³”.

He reiterated this desire to reach out to Algeria during the Speech from the Throne on July 30, 2022, despite the unilateral severance of relations with Morocco announced in September 2021.

Conclusion

The conflict over the Moroccan Sahara is contrived, born of a deliberate desire by colonial powers to weaken the Sharifian Empire, which in previous centuries had been a great political and military power and a threat to their hegemony in the Mediterranean. A systematic dismantling of its territory followed, of which the Spanish colonization of the Moroccan "Western Sahara" is one example.

Following the departure of colonial powers, Morocco never ceased to demand re-establishment of its sovereignty over its Sahara. Strongly committed to International Legality and assured of the legitimacy of its cause and the validity of its arguments, the Kingdom undertook a number of initiatives at international level, above all the request that Spain negotiate and accelerate its withdrawal, that the General Assembly submits the issue to the International Court of Justice. The kingdom also proposed a referendum, and when this proved unfeasible, it committed itself to a final political solution submitting its Initiative for Broad Autonomy for the Sahara Region to the UN.

Morocco concurrently focused on the development of the Southern Provinces, with substantial investment in infrastructure projects aimed at accelerating their socio-economic upgrading and making their strategic location a gateway to sub-Saharan Africa, and an international hub connecting Africa, Europe, and America.

Morocco's action is continuously hailed by the International Community, from unanimous recognition of the validity of the autonomy initiative, as the only credible solution to the artificial protracting conflict, to multiple recognitions of the Sahara's Moroccan identity, as evidenced by the US December 2020 recognition of the Moroccan sovereignty, to the opening of consular representations in Laâyoune and Dakhla, and the withdrawal and "freezing" of recognition for the so-called SADR, an entity whose fallacious allegations and destabilizing potential effects are clearly established.

In addition to its attack on the territorial integrity of Morocco, the Sahara conflict poisons relations between the Kingdom of Morocco and the People's Republic of Algeria and multiplies the obstacles on the arduous path of Maghreb construction, in particular, by exerting pressure on Mauritania and Tunisia. It negatively affects the relations of the two countries with many African, European and other States, as well as those with and within universal organizations such as the United Nations, regional and sub-regional organizations such as the African Union, or the Economic Community of West African States.

The conflict also affects the development efforts of Morocco and Algeria, dragging the two neighbors into an extremely costly arms race and into alliances with unpredictable consequences in the medium and long term. In the short term, this artificial conflict jeopardizes the future of the entire Sahelo-Saharan region.

Algerian leaders would do better to respond positively to the outstretched hand of His Majesty King Mohammed VI. The recovery of Moroccan sovereignty over its Sahara has never been intended to weaken or harm in any way the interests of Algeria.

The restoration of this sovereignty is simply intended to allow the Kingdom of Morocco to continue its development trajectory, which would also benefit Algeria, the other Maghreb States, as well as the whole of West Africa.

The maintenance of an armed militia, with proven links with criminal and terrorist groups in the Sahelian area, would augur an increase in instability in this region and the strengthening of armed movements, jeopardizing the stability of the Maghreb, Africa and even Europe.

Timeline

1476-1524 and 1860: Occupation of Sidi Ifni.

1497: Occupation of Melilla.

1508-1522 and 1564: Occupation of Peñón de Vélez de la Gomera.

1580: Occupation of Ceuta.

1673: Occupation of the Alhuceimas Islands.

1844: Occupation of the Zaffarine Islands.

1844: Battle of Isly.

1845: Treaty of Lalla Maghnia.

December 9, 1856: Treaty between the Sharifian Kingdom and the United Kingdom of Great Britain and Ireland.

1859-1860: Spanish-Moroccan war.

March 15, 1860: Armistice agreement between Spain and the "Empire of Morocco".

1880 : Madrid Conference.

1883 : Spanish Congress of Colonial and Mercantile Geography.

1884 : Occupation of Dakhla.

1884-85: Congress of Berlin.

1886 : Negotiations between Spain and France establishing respective areas of influence in West Africa, including the Moroccan Sahara.

1898-1902: Foundation of the city of Smara by Ma el Ainin (1838-1910), with support from the Sultan.

1894: Death of Moulay Hassan The First.

June 27, 1900: Franco-Spanish agreement, also known as the Treaty of Paris, on setting the southern and eastern borders of the Rio de Oro.

October 3, 1904: Convention of Paris establishing the northern border including the Seguia el-Hamra and the Tarfaya area up to the Wadi Draa.

1934: Occupation of Smara.

November 27, 1912: Convention of Madrid confirming the borders decided in the agreements of 1900 and 1904 and delimiting those of the enclave of Ifni.

1920: Additional agreement delimiting the Spanish and French areas of influence, setting the northern limit of the "Western Sahara" at parallel 27°50.

1938: Arrival of the Spanish troops in Laâyoune.

1956: End of the Spanish and French "protectorates" ("Declaration of Independence") over the areas north of the Saharan provinces of Sakia Al Hamra and Oued-Eddahab, except Tarfaya and Sidi Ifni.

January 12, 1958: Morocco's "Atlantic" Sahara, occupied by Spain, became "Spanish Sahara".

April 15, 1958: Return of Tarfaya.

February 25, 1958: Speech by His Majesty Mohamed V in the presence of representatives of the tribes of the Moroccan Sahara, affirming the return of our Sahara in accordance with historical rights and the desire of its inhabitants.

1960: The Spanish ambassador to the UN declared that "the Spanish government has decided to provide the Secretary-General with the information pertaining to the non-self-governing territories in accordance with Chapter XI of the Charter".

1963: The "Spanish Sahara" is included in the UN list of Non-Self-Governing Territories (NSGTs) at the request of Morocco.

1964-65: During discussions of Special Committee's Report on the Situation regarding the Implementation of the Declaration Granting Independence to Colonial Countries and Peoples, the Kingdom reiterates that Spain should negotiate the retrocession of the "Spanish Sahara" with Morocco.

16 December 1965: The General Assembly adopted Resolution 2072 (XX) entitled "Question of Ifni and the Spanish Sahara" by which it urged the Spanish Government, as the administering Power, to take immediate steps to liberate the territories of Ifni and the Spanish Sahara from colonial domination and to enter into negotiations to that end on the problems of sovereignty of these two territories.

June 30, 1969: Retrocession of Sidi Ifni to Morocco.

1974: Madrid Declaration on the "Western Sahara", also known as the Madrid Accords
October 16, 1975: Advisory opinion of the International Court of Justice on the question of the "Western Sahara".

November 6, 1975: The Green March.

August 14, 1979: Return of Oued-Eddahab; new stage in the pursuit of independence and territorial integrity of the Kingdom.

Bibliography

¹ F.V. Parsons, *The Origins of the Moroccan Questions*, Londres, Duckworth, 1976, p.7.

² Ley 40/1975 de 19 de noviembre sobre la declonizacion del Sahara.

³General Treaty Between Her Majesty and the Sultan of Morocco, Signed, in the English and Arabic Languages, at Tangier, December 9, 1856. article 1: "There shall be perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, and His Sherifian Majesty the Sultan of Morocco and Fez, and between their respective dominions and subjects."

⁴ Tratado de paz entre Espana y Marruecos, conclu à Tétouan, le 15 mars 1860, article 1: "Habrá perpetua paz y buena amistad entre S. M. la reina de las Españas y S. M. el rey de Marruecos, y entre sus respectivos subditos. "

⁵See for example: Acuerdo entre España y Francia relativo al límite de las dos zonas española y francesa en Marruecos: signed in Madrid on July 25, 1925.

⁶ Tratado de paz entre España y Marruecos, 1860.

⁷ Convenio reglamentando el ejercicio del derecho de proteccion en Marruecos, signed in Madrid on July 3, 1880, between the respective representatives of the Emperor of Germany-King of Prussia, the Emperor of Austria-King of Hungary, the King of the Belgians, the King of Denmark, the King of Spain, the President of the United States of America, the President of the French Republic, the Queen of the United Kingdom and of Great Britain and Ireland, the King of Italy, the Sultan of Morocco, the King of the Netherlands , the King of Portugal and the Algarves and the King of Sweden and Norway.

⁸ Preamble of the above-mentioned convention, paragraph 2: "Habiendo reconocido la necesidad de establecer sobre bases fijas y uniformes el ejercicio del derecho de protección en Marruecos, y de arreglar ciertas cuestiones que tienen relación con él (...)."

⁹Article 17 de la Convention: "Marruecos reconoce a todos las Potencias representadas en la Conferencia de Madrid el derecho a ser tratadas como la Nación más favorecida."

¹⁰ Article 17 of the Convention: "Marruecos reconoce a todos las Potencias representadas en la Conferencia de Madrid el derecho a ser tratadas como la Nación más favorecida."

¹¹ Convention, Article 7.

¹² Art. XV. Todo súbdito marroquí naturalizado en el extranjero que regrese a Marruecos, después de un período de residencia igual al que hubiere necesitado para naturalizarse regularmente, deberá optar entre la sumisión completa a las leyes del **Imperio**, o la salida del país, a menos que pruebe haberse naturalizado en el extranjero con consentimiento del Gobierno marroquí.

¹³ "La Mauritanie, plus qu'une 'terre de personne' entre deux noyaux de population, est de fait le croisement de chemins. C'est pour sa position stratégique comme lien entre le Maroc, l'Algérie et l'Afrique occidentale française que les Français l'ont conquise." ("Mauritania, más que una «tierra de nadie» entre dos núcleos de población, es de hecho un cruce de caminos. Es debido a esta posición estratégica como conexión entre Marruecos, Argelia y el África Occidental francesa por lo que los franceses conquistaron Mauritania"); Ministère espagnol de la défense, [Nuestra frontera más avanzada entre El Sahara y Senegal](#), Escuela de Altos Estudios de la Defensa, Monografías 145 p. 45,

¹⁴ Rinn, Louis (1838-1905), Marabouts et khouan : étude sur l'Islam en Algérie : avec une carte indiquant la marche, la situation et l'importance des ordres religieux musulmans, Alger, Adophe Jourdan, 1884, 564p, p. 188.

¹⁵ Noureddine Belhaddad, La pénétration espagnole dans les côtes du Sahara marocain (1860-1934), Publications de l'Institut des Etudes Africaines, Rabat, 2008, Annexes, pp. 280-290.

¹⁶ Spain was fully aware that this was part of the Moroccan Sahara: "Emilio Bonelli traveled to Tenerife in 1884, and dressed as an Arab, he rented a sailboat named Ceres with which he set out for the Moroccan coast, along with a small group of Spanish explorers. Upon reaching the coast, the group built a small hut and planted the Spanish flag in what would later become Villa Cisneros.

" Emilio Bonelli viajó hasta Tenerife en 1884, y después de vestirse al uso árabe alquiló un velero llamado Ceres con el que partió hacia la costa marroquí acompañado de un pequeño grupo de exploradores españoles. Tras alcanzar la costa, el grupo construyó una caseta y plantaron la primera bandera de España, en el lugar que se convertiría con el tiempo en Villa Cisneros." JAIME MÁRQUEZ, La ocupación española del Sahara Occidental ; Emilio Bonelli spoke Moroccan Arabic. He had traveled to Algeria, Tunisia, Tangier, and had worked at the Spanish consulate in Rabat.

¹⁷ This logic is embodied in the March 18, 1845 Treaty of Lalla Maghnia, specifically its Articles 4, 5 and 6, which state the following:

ART. 4 - There is no territorial limit to be established between the two countries in the Sahara (desert) as the land cannot be plowed and is only used as a grazing area by Arabs of the empires who camp there in search of the pastures and waters they need. Both sovereigns will exercise in the way they intend all the plenitude of their rights over their respective subjects in the Sahara (...)

ART. 5 - This article relates to the designation of Kessours (villages of the desert) of both empires. (...)

Kessours belonging to Morocco are those of Yiche and Figuig. Kessours belonging to Algeria are those of Aïn-Saffra, S'fissifa, Assla, Tiout, Chellala, El-Abiad, and Bou-Semghoune".

ART. 6 - As for the country south of the Kessours of both governments, as it lacks water, is uninhabitable, and is the desert itself, its delimitation becomes superfluous.

Distances between Figuig and the said Kessours are nowadays as follows, in line of flight: Sfissifa: 76 km; Aïn-Saffra: 152 km; Assla (Neama): 160 km; Tiout: 114 km; Chellala: 114 km; El-Bayyadh: 273 km; Bou-Semghoun: 143 km.

- This treaty was ratified on "French territory", a sign of the affirmation of the will of a conqueror of two empires, Ottoman and Sharifian.
- The insistence of France, in articles 4 and 6, on the fact that there was no need to delimit the borders with the Sharifian Empire towards the south, beyond the Moroccan and Algerian "Kessours", was a deception by France, a fraud, a subterfuge that speaks volumes of its intentions: to amputate the Sharifian Empire of a large chunk of its territory, as its power grew and its conquest advanced.
- Negotiating with the Sharifian Empire without recognizing its existing borders was intended to show that France had no intention of respecting them.
- This violation of Sharifian sovereignty was also expressed in the treaty's reference to specific "Kessours". Yet all those "kessours" that belonged to "French Algeria" are tens of kilometers north and northeast of Figuig, towards the Mediterranean coast. They do not pertain to the Sahara. Guarantees regarding these "Kessours"? More like another stalling maneuver to add "more substance" to the treaty.

Knowing the southern borders of the Ottoman Empire that France was ousting, and those of the French Empire in 1845, the term "Arabs of the empires" in Article 4 was part of the same ploy.

The treaty is "Made on French territory bordering the boundaries, March 18, 1845 (9 of rabiâa-elouuel, 1260 of the hegyre)."

¹⁸GROTIUS, *De iure belli ac pacis*, vol. 3, chapter 25, paragraph 1: "To respect scrupulously the faith given is the foundation of states and of the great League of Nations."

¹⁹ADAM BARBE , [Quand la France colonisait le Maroc par la dette](#), February 8, 2017.

²⁰"For the Islamic peoples, the principle, *Pacta sunt servanda*, has also a religious basis : Muslims must abide by their stipulations. This is clearly expressed by the Koran in many places, for example, where it is said: ' be you true to the obligations which you have undertaken...'"[Hans Werberg, "PACTA SUNT SERVANDA"](#), *The American Journal of International Law*, Vol. 53, No. 4 (Oct., 1959), pp. 775-786, p. 775.

²¹"The notion seems at first sight so clear and simple that it should require no explanation or comment." (Manfred Lachs, "Pacta Sunt Servanda," in 7 Encyclopedia of Public International Law 364 (1984).) "The rule 'pacta sunt servanda' is therefore not only a basic legal norm, it is equally as much an ethical rule, that is, a self-evident value" (Alfred Verdross, "Le Fondement du droit international," in 16 Académie de droit international, Recueil des Cours: 1927, at 247, 286 (1928).), [in Richard Hyland, "Pacta sunt servanda : A Meditation"](#)

²²Robert Kolb, La bonne foi en Droit international public, Revue belge de Droit international public, 1998/2, p. 48.

²³Vienna Convention of 23 May 1969 on the Law of Treaties, doc. Pdf. Article 26, p. 12: "Every treaty in force is binding upon the parties and must be performed by them in good faith". This same principle at the same time also had other consequences. "International Law [...] obliges a State to announce a change in its policy particularly [...] in any matter where the positions and interests of foreign States or individuals are at stake, when a legitimate expectation of continuity has been created." Robert Kolb, loc. cit.

²⁴Carlos Ruiz Miguel, El Sahara occidental y España: historia, política y derecho. análisis crítico de la política exterior española, Madrid, 1995: "El Congreso Español de Geografía Colonial y Mercantil, celebrado en Madrid en 1883, dio origen a la Sociedad Española de Africanistas y Colonistas, que preconizó el establecimiento permanente de factorías españolas en la costa occidental del Sahara, solicitando del Gobierno su protección armada. A ello se añade, en primer lugar, que los ingleses establecidos en Cabo Juby (Villa Bens) enviaron un vapor a Río de Oro parece que para instalarse allí y que una compañía española se proponía comerciar allí enarbolando el pabellón inglés; en segundo lugar, que la Conferencia de Berlín para el reparto de África iba a inaugurarse en pocos meses.";

²⁵"La Región situada entre el Cabo Bojador y el cabo Blanco fue reclamada por España en 1884, durante la Conferencia de Berlín"; David Odalric de Caixal i Mata, "[Proceso de descolonización del Sahara occidental](#)";

²⁶El auge del español comienza, no obstante, solo en 1936, cuando la administración colonial cubre ya casi todo el territorio y, con ello, prolifera considerablemente el aprendizaje de la lengua española entre los nativos del Sáhara", in "[La huella colonial española en el Sáhara occidental](#)";

²⁷José Antonio Rodríguez Esteban, "[El Mapa del África Occidental Española de 1949...](#)"

²⁸ This article stipulates that: "The Powers signatory to the present Act recognize the obligation to ensure, in the territories occupied by them, on the coasts of the African continent, the existence of an authority sufficient to enforce the acquired rights and, if necessary, the freedom of trade and transit under the conditions where it would be stipulated.

²⁹The "negotiations between Spain and France to establish their respective zones of influence in West Africa [including the Sahara] [began] in 1886 [and] [resulted] in three successive agreements:

- The Treaty of Paris of June 27, 1900 established the southern and eastern borders of the Rio de Oro.
- The Paris Convention of October 3, 1904 established the northern border including the Seguia el-Hamra and the Tarfaya area up to the Wadi Draa.
- The Madrid Convention of November 27, 1912 confirmed these borders and limited that of the Ifni enclave.

³⁰"se llevaron a cabo una serie de acuerdos en 1900, 1904 y que delimitaron las áreas de influencia de ambos países, fijándose el límite norte del Sahara Occidental en el paralelo 27° 50'." David Odalric de Caixal i Mata.

³¹Article 38 paragraph 3 of the treaty of November 20, 1861: Si naufragase algún buque español en Vad-Nun o en cualquier punto de su costa, el Rey de Marruecos empleará su poder para salvar y proteger al Capitán y a la tripulación hasta que vuelvan a su país.

³²Letter from the Spanish Minister of State to his Minister resident in Tangiers, 4 April 1863. Annex n°30 of the Memorandum of Morocco to the I.C.J., 1975, p. 262.

³³Article 1 of the Anglo-Moroccan agreement of 13 March 1895: If this Government buys the buildings in the place above named, from the named Company, no one will have any claim to the lands that are between Wad Draa and Cape Bojador, and which are called Tarfaya above named and all the lands behind it, because all this belongs to the territory of Morocco. Annex 68 of Mémoire du Maroc at the C.I.J., 1975, p. 338.

³⁴The historic visit of His Majesty King Mohammed V to M'Hamid El Ghizlane, a shared determination of the King and his people to complete the territorial integrity of Morocco, National Portal of Morocco.

³⁵<http://www.sahara.gov.ma/blog/messages-royaux/extraits-du-discours-de-feu-sm-mohammed-v-a-mhamid-el-ghizlane-2/>

³⁶Official Records of the General Assembly of the United Nations, Fourth Committee, Fifteenth Session, Report of the 1047th meeting, 11 November 1960, [A C-4 SR-1047](#).

³⁷ United Nations, Supplement No. 14 (A/5514), 1963. It stems from paragraph 26 of the Report that the Spanish government provided information under Chapter XI (Article 73) after 1961 and that "the Spanish territories in Africa had exactly the same legal status as the provinces of the peninsula, and all their inhabitants, without distinction of race, had the same rights". Spain is trying to maintain its colonial occupation at all costs by dressing it up with legal principles of "equal rights".

³⁸ [A/RES/2072 \(XX\)](#)

³⁹ The Representative of the Kingdom of Morocco stressed:

§69 "Morocco had chosen to resolve its national problems through bilateral negotiations with Spain, and, though the Moroccan representative took part in the present debate, this was essentially a matter of principle and not to let pass the opportunity to state his country's legitimate rights. The representative of Morocco recalled that last year the representative of Spain stated that his country was working with the United Nations to ensure progress in the decolonization process. Morocco naturally welcomed this realistic policy which, in its view, should result in the return of the territories in question.

He also argued that by liberating its African colonies, Spain could play a role worthy of its traditions of freedom and justice, for which the Afro-Asian world would be grateful.

§70. Spain's collaboration with the United Nations began to take practical shape in the structural reforms introduced in Fernando Poo and Rio Muni. The people of Morocco had good reason to hope that Spain would act in the same spirit of collaboration and understanding with regard to the so-called Spanish Sahara and Ifni. The Moroccan representative recalled that these were territories inhabited by a typically Moroccan population in terms of ethnic origin, language, and religion. Before being effectively occupied by Spain, they had been administered in the name of the Moroccan State, and their inhabitants claimed Moroccan nationality; although geographically separated, they had always been placed by the administering Power under the same authority, until the administrative reorganization decided upon three years previously by the Spanish authorities, which was the reason why they were mentioned separately in the agenda item. According to the Moroccan delegation, this was not necessarily inconsistent with the need to consider a comprehensive settlement of the status of these territories.

§71. The Moroccan delegation thus called upon Committee members to consider, with regard to the question of the so-called Spanish Sahara and Ifni, that negotiations would take place between Morocco and Spain with a view to settling the future of these two territories, and to express the hope that these negotiations would be successful in the near future."

United Nations, Doc. A/5800/REV.1, Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, at 300.

⁴⁰ "En 1968 se crea el Movimiento de Liberación de Saguia el Hamra y Río de Oro bajo el liderazgo de Sidi Brahim Bassiri. La represión de un brote nacionalista en el Aiun, el 17 de junio de 1970, la cual concluye con 50 muertos y cientos de detenidos. Bassiri es arrestado y nunca se volvió a saber de él. Probablemente las fuerzas de seguridad españolas le ejecutarían tras su arresto, evitando así más levantamientos de los insurrectos apoyados por Marruecos."; David Odalric de Caixal i Mata, op. cit.

⁴¹[A/RES/ 3292 \(XXIX\)](#)

⁴²[United Nations Treaty Series, Vol. 988, 1-14450, 1975, pp. 259-260.](#)

⁴³See [A/31/56-S/11997](#);

⁴⁴Example: "July 15, 2020 (SPS) The Polisario Front called on Spain to assume its legal responsibility as the administrative power of the territory of Western Sahara, maintaining that this responsibility remains valid until the Sahrawi people exercise their inalienable right to self-determination and independence."

⁴⁵At the North African level, the Algeria-Morocco summit of Ifrane in 1969 signaled a willingness to appease and led on January 15 to a "Treaty of Friendship, Good Neighborliness, and Cooperation," the preamble of which affirms their desire "to contribute, through mutual relations, to the construction of the Greater Arab Maghreb [...]. Better still, Article 4 states:

"In case of dispute or difference, in any form whatsoever, the Contracting Parties shall refrain from resorting to the use of violence against each other and shall endeavor to settle their dispute by peaceful means, in accordance with the spirit of friendship, brotherhood and good neighborliness and in accordance with the principles and resolutions of the United Nations, the League of Arab States and the Organization of African Unity."
Algeria, President Bouteflika, himself a signatory of the Treaty as Minister of Foreign Affairs, violated this and other provisions, stipulated to last 20 years (Article 8), by sending its troops to combat the FAR at Amgala, in the Sahara, on 27-29 January 1976...

⁴⁶ Convention on the delimitation of the State border between the Kingdom of Morocco and the People's Democratic Republic of Algeria; United Nations Treaty Series (UNTS), Volume 2189, I-38587, New York, 2004; text in Arabic, French and English, pp. 88-104. The two Heads of State "solemnly agreed that 'the quality of the fraternal relations that exist between Algeria and Morocco should not place the border as an obstacle, but rather as a place of shared feelings and interests'. Above all, in the case of the Gara-Djebilet iron ore deposit, which is located in this region, joint Moroccan-Algerian exploitation should be carried out through a joint company, to be set up subsequently with public bodies from both countries, such as the Bureau de recherches et de participations minières in Morocco and the Société nationale de recherches et d'exploitations minières in Algeria. Le Monde, June 17, 1972.

⁴⁷ President Boumediene's ambition is to retain all Saharan provinces appended to "French Algeria", to create a "satellite" state along the lines of Eastern European countries under the rule of the USSR, and to build a "Maghreb of peoples", believing himself to be the only head of state who truly represents the people of Algeria, despite the fact that he came to power through a coup d'etat in 1965, and has apparently exerted pressure on his Mauritanian counterpart. *Le Monde*, November 11, 1975.

⁴⁸ When Moroccan diplomacy reminded its Algerian counterpart of this proposal, the latter feigned ignorance of what a non-paper was, arguing that the late President Bouteflika had not signed anything. A "non-paper" is not an official negotiation document until it is validated by the negotiators.

The Algerian maneuver is intended to conceal the fact that Algerian officials have never truly defended the right of peoples to self-determination, their aim being to undermine Morocco's territorial integrity and to cut it off from its Saharan and African roots by installing a "satellite" state, subservient to their policies, in accordance with their Cold War-era mentality.

⁴⁹ Institutional site of the Arab Maghreb Union

⁵⁰ Preamble to the Moroccan Constitution of 2011.

⁵¹ The "concept [of the commandery of believers] means that the Head of State manages both religious and secular affairs." Mohammed VI Foundation of African Ulemas.

⁵² See Nouredine Belhaddad, *op. cit.* This was the case, in the North, of Rogui Bou Hmara, who for a time was secretary to Moulay Hassan I, usurping the name of the Sultan's brother Moulay Abdel Aziz to dissident in 1902.

⁵³ See the work of historian Henri Brunschweig, *Le partage de l'Afrique noire*, Paris, Flammarion, 1974.

⁵⁴ Nomadism could not be totally prevented until sophisticated surveillance systems, and sometimes outright walls were put in place. Of course, nomadism declined significantly, notably for climatic reasons (harder and more frequent droughts) and because of changes in lifestyle.

⁵⁵ Nouredine Belhaddad, *Sovereignty over the Southern Provinces*, 2017.

⁵⁶ Patricia Berko Wild, "The Organization of African Unity and the Algerian-Moroccan Border Conflict: A Study of New Machinery for Peacekeeping and for the Peaceful Settlement of Disputes among African States", *International Organization*, Vol. 20, no 1 (hiver 1966), p. 18-36.

⁵⁷ Article 24 of the UN Charter: "1. In order to ensure prompt and effective action by the Organization, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security and recognize that in discharging its duties under this responsibility the Security Council acts on their behalf.
2. In discharging these duties, the Security Council shall act in accordance with the the purposes and principles of the United Nations. The specific powers granted to the Council to enable it to carry out these duties are set out in Chapters VI, VII, VIII and XII.

⁵⁸El Arbi Mrabet, The Post WWII Legitimization of the SC's Powers

⁵⁹See MINURSO's Mandate,S/RES/690 (1901)

⁶⁰Ibid.

⁶¹Speech of His Majesty King Hassan II at the 18th summit of the Organization of African Unity, Nairobi, June 26, 1981.

⁶²Abdelhamid El Ouali, *Autonomie au Sahara - Prélude au Maghreb des régions*, 2008.

⁶³ Term used by Peter Van Walsum, former Personal Envoy of the UN Secretary General.

⁶⁴Report on the new development model for the Southern Provinces, Economic, Social and Environmental Council, 2013.

⁶⁵Address of His Majesty The King to the Nation on the 39th anniversary of the Green March, November 6, 2014.

⁶⁶Sud Marocportal

⁶⁷ Kingdom of Morocco - Economic, Social and Environmental Council, New development model for the Southern Provinces, October 2013.

⁶⁸ Address by His Majesty King Mohammed VI on the 47th anniversary of the Green March, November 6, 2022.

⁶⁹ Port de Dakhla Atlantique: les premiers terminaux en service dès 2029 - Médias24 (medias24.com)

⁷⁰ "19. West of the Berm, Morocco continued to invest in infrastructure development during the reporting period. On April 30, 2021, Moroccan authorities announced the winner of the tender to build the Atlantic port of Dakhla, which is now underway. Meanwhile, work on an expressway linking Tiznit in Morocco to Dakhla continued. On June 24 and 26, diplomatic delegations from Jordan, Oman, Saudi Arabia, and Yemen visited Dakhla and Laâyoune to explore investment opportunities."; Secretary-General's Report on the Sahara S/2021/843 dated October 1, 2021, p. 4.

⁷¹Regional accounts, High Commission for Planning.

⁷² Ibid.

⁷³ General Confederation of Moroccan Businesses, Investment Forum in Laâyoune, March 28, 2015.

⁷⁴ US Congress, 2023 United States federal budget, Table of appropriations

⁷⁵U.S.-Middle East Partnership Initiative

⁷⁶ United States Geological Survey - Mineral Commodity Summaries 2022 - Phosphate, 2021.

⁷⁷Phosboucraâ Website

⁷⁸Report on the benefits for the people of Western Sahara and the public consultation on the extension of tariff preferences to Western Saharan products, European Commission and European Union External Action Service, 2018.

⁷⁹ Moroccan Minister of the Interior press conference, September 9, 2021.

⁸⁰ Mohamed Cherkaoui, *Le Sahara, liens sociaux et enjeux géostratégiques*, Oxford, The Bardwell Press, 2007.

⁸¹Conseil national des droits de l'Homme; v. aussi A/RES/48/134 4 mars 1994 relative aux Institutions nationales pour la promotion et la protection des droits de l'Homme.

⁸²Etude sur l'harmonisation du projet du code pénal avec les normes internationales des droits de l'homme, Etude sur la liberté de la manifestation publique pacifique, Etude pour " La mise en place d'un mécanisme de recours et de suivi des droits de l'enfant au Maroc".

⁸³ Conseil national des droits de l'Homme, Présentation, missions et mandat territorial de chaque commission.

⁸⁴ Official website of the Interministerial Delegation for Human Rights.

⁸⁵ For example: the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2018); the Working Group on Enforced and Involuntary Disappearances (2009); the Special Rapporteur on the right to education (2006); the Rapporteur on the right to migration (2003); the Special Rapporteur on the sale of children, child prostitution and child pornography (2000). For an exhaustive list, see the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR)

For reports in general and the Moroccan government's responses, see the website of the Délégation Interministérielle des Droits de l'Homme (DIDH).

⁸⁶ V. Report of the Special Rapporteur on the right to food on her mission to Morocco, document [A/HRC/31/51/Add.2](#)

⁸⁷ Report of the Special Rapporteur on the right to food... p. 18.

⁸⁸ National Council for Human Rights, Visit of the UN Special Rapporteur on Torture to Morocco, September 15-22, 2012.

⁸⁹ Statement by Juan E. Méndez, United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment, in Rabat, 22 September 2012.

⁹⁰ High Commission for Planning, 2014.

⁹¹High Commission for Planning, Morocco's social indicators, 2022.

⁹² ONDH, Household Panel Survey 2017.

⁹³ Ibid.

⁹⁴ONDH, Human Development Monitoring Indicators: National and Regional Level and Trends 2012-2017.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷Higher Council for Education, Training and Scientific Research, Regional Performance Framework 2015-2018 of the follow-up of the strategic vision to 2030 - Southern Regions, 2020).

⁹⁸ONDH, Human Development Monitoring Indicators: National and Regional Level and Trends 2012-2017.

⁹⁹Latest HCP National Demographic Survey, 2010.

¹⁰⁰ ONDH, Human Development Monitoring Indicators: National and Regional Level and Trends 2012-2017.

¹⁰¹ Ibid.

¹⁰² United Nations High Commissioner for Refugees, Sahrawi Refugees in Tindouf, Algeria: Total In-Camp Population, March 2018, p.5.

¹⁰³ [Ibid.](#) p.14.

¹⁰⁴ Reports of the United Nations Secretary-General to the Security Council, S/2017/307 §61 and S/2018/277 §61

¹⁰⁵ Report of the UN Secretary General, S/2015/246

¹⁰⁶ "Congress of F. Polisario: proposals to amend the statutes to limit the mandates of the SG", The Algerian daily Echourouk, December 7, 2012.

¹⁰⁷ United Nations, Report of the Secretary-General on the situation concerning Western Sahara, S/2016/355, April 19, 2016, point 13.

¹⁰⁸ United Nations, Report of the Secretary-General on the situation concerning Western Sahara, S/2017/307, April 10, 2017, point 21.

¹⁰⁹ "Despite pressure from Polisario, in April 2010, for deprogramming the documentary, the film was screened at the Lincoln Centre, an arts and entertainment institution, one of the most prestigious in the United States, at the 18th New York African Film Festival (NYAFF), in connection with the 'Human Rights' theme [...] It is a matter of concern to the UN." - Stolen, the story of slavery inside Polisario camps screened again in New York, The Western Sahara Blog, March 7, 2012.

¹¹⁰ Blacks, who are a minority among a predominantly Moorish population, told us that slavery in the camps today consists of one practice in particular: the refusal by some local civil status judges (cadis) to marry black women, colloquially known as "slaves," unless their "owner" gives his consent. The "master" is thus able to prevent a woman from marrying the man of her choice"; Human Rights Watch, Human Rights in Western Sahara and the Tindouf Refugee Camps, 2008.

¹¹¹ Jeune Afrique, Sahara : Le Polisario est déstabilisé par les conflits tribaux, March 15 2022.

¹¹² Human Rights Watch, Off the Radar: Human Rights in the Tindouf Refugee Camps, 2014.

¹¹³ Neuf millions d'euros en 2020. Parlement européen, Question parlementaire - E-004289/2020(ASW), 29 septembre 2020.

¹¹⁴ Haut-Commissariat des Nations Unies aux Réfugiés, Inondations dans les camps de Tindouf : effets dévastateurs pour 25 000 réfugiés sahraouis, 23 octobre 2015.

¹¹⁵ Statement by Nancy Huff, President of "Teach the Children International" at the Seventy-first Session of the Fourth Committee of the United Nations General Assembly, October 5, 2016.

¹¹⁶ European Anti-Fraud Office (OLAF), Report embezzlement of the EU humanitarian aid funds intended to the refugees in the camps of Tindouf, declassified in 2015.

¹¹⁷ UN Human Rights Committee, Concluding observations on the fourth periodic report of Algeria (CCPR/C/DZA/CO/4), 17 August 2018, §9.

¹¹⁸ Human Rights Watch, Human Rights in Western Sahara and in the Tindouf Refugee Camps, 2008, pp. 8-9.

¹¹⁹ See UN Secretary General's Reports: S/2019/787 §85 et S/2018/277 §60.

¹²⁰ UN Secretary General Reports S/2020/938 §86.

¹²¹ European Anti-Fraud Office (OLAF), Report embezzlement of the EU humanitarian aid funds intended to the refugees in the camps of Tindouf, déclassifié in 2015.

¹²² Gómez Martín, C. (2012). Western Sahara: what scenario after Gdeim Izik? In *The Year of the Maghreb* (pp. 259-276). Paris: CNRS.

¹²³ Ammour, L.A. (2012). The Algerian foreign policy on Western Sahara. Géopolisudconsultance.

¹²⁴ Gaddafi paying Polisario mercenaries \$10,000 each to fight for him, *Tehran times*, 22 mai 2011.

¹²⁵ Sahara occidental : au Front Polisario, la pression monte pour « intensifier la guerre » contre le Maroc, *Le Monde*, January 23, 2023.

¹²⁶ Speech by His Majesty King Mohammed VI on the 45th anniversary of the Green March, November 7, 2020.

¹²⁷ Messrs. Ben Bella and Aït Ahmed launch an appeal "for the establishment of democracy," *Le Monde*, December 17, 1985. Houssine Aït Ahmed, historical figure of the Algerian liberation war and founder of the Front des Forces Socialistes (FFS) declared himself in favor of a Maghrebian solution: "Why not let the R'guibates (the most numerous tribe in the Tindouf camps) live as they have always lived in the Maghreb, proud and happy of their nomadic civilization? Why try to sedentarize them, to cut them off from their roots which are precisely their pride, and not allow them to move where they want and without passports?"

¹²⁸ Interview of General Khaled Nezzar with Algerian daily Echourouk, January 12, 2016, available online.

¹²⁹ "Allal Thalebi, a member of the commission of inquiry set up after the assassination, had stated publicly that Boudiaf had been assassinated by those who had brought him back," [in this case, generals] Larbi Belkheir, Mohamed Mediene, Khaled Nezzar and Smaïn Lamari," Presse Algérie, June 29, 2016.

¹³⁰ Interview published on October 17, 2019 by Radio France Internationale.

Furthermore, in response to a question on the possibility of armed conflict with Spain over the Sahara, the late His Majesty Hassan II said at the 1974 Rabat summit, on the subject of "Western Sahara": "[...] Houari Boumediene asked me to inform him, 48 hours in advance, in case of a military incident so that he could come to our aid. He told me all this by letter. I can only be satisfied." Press conference of the late His Majesty King Hassan II, Rabat, October 30, 1974.

According to the late Jean Daniel, Director of the *Nouvel Observateur*, Hassan II's failure to inform Boumediene of the organization of the Green March was an unintentional blow to Boumediene's pride, provoking his "hysterical anger.

<https://www.agoravox.fr/tribune-libre/article/maroc-algerie-et-l-affaire-du-148794>

¹³¹ Bernard Lugan, *Histoire du Maroc*, 2023, 408 p.

¹³² Convention concerning the State frontier line established between the Kingdom of Morocco and the People's Democratic Republic of Algeria; United Nations Treaty Series (UNTS/UNTS), Volume 2189, I-38587, New York, 2004; text in Arabic, French and English, pp. 88-104.

The two Heads of State had "solemnly considered that" the quality of the fraternal relations which exist between Algeria and Morocco could not erect the border into an obstacle, but on the contrary make it a place of interpenetration of feelings and interests". Above all, where the overrun occurs, - the Gara-Djebilet iron ore deposit, which is located in this region, [was to be] the subject of joint Moroccan-Algerian exploitation through the intermediary of a mixed, which will later be set up with public bodies from both countries, such as the Bureau of Mining Research and Participations in Morocco and the National Mining Research and Exploitation Company in Algeria. *Le Monde*, June 17, 1972.

¹³³ Speech by His Majesty King Mohammed VI on the 43th anniversary of the Green March, November 6, 2018.