

**His Excellency Mr. Ban Ki-moon
Secretary-General
United Nations Organization**

Mr. Secretary-General,

The Kingdom of Morocco has been working with determination and in good faith for the settlement of the Sahara dispute, in the best interest of all Maghreb States, and for the sake of regional security and stability. It has thus constantly and earnestly supported United Nations efforts to reach a final, negotiated settlement.

Given that it was impossible to implement the previous proposals made to resolve the dispute, the situation has remained deadlocked. Thus, the Security Council has been calling, since 2004, for efforts to break the impasse, and to reach a political, mutually acceptable solution.

Responding this call, I have the honor to send you a document containing the "Moroccan Initiative for negotiating an autonomy statute for the Sahara Region". Within the framework of the Kingdom's sovereignty, national unity and territorial integrity.

This is an innovative, responsible and open compromise initiative which, by virtue of its substance as well as its overall objectives, makes it possible for all Saharawi, those inside as well as those outside the region, to run their affairs democratically, through various representative legislative, executive and judicial bodies.

The initiative achieves the principle of self-determination, through a free, modern and democratic expression regarding the autonomy statute. As such, it is in conformity with international legality as well as with international norms and standards applicable in area of autonomy. It guarantees compliance with-and promotion of- human rights as they are universally recognized, and as they are enshrined in the Moroccan Constitution.

The Kingdom of Morocco strongly believes that this proposal, which can serve as a basis for dialogue, negotiation and compromise, will give new momentum to the UN process for the settlement of this dispute.

In this connection, the Kingdom of Morocco expresses its readiness to engage resolutely in serious, in-depth negotiations with the other parties, with a view to contributing to the achievement of final, mutually

acceptable political solution long awaited by the International community.

Building on democratic process and on intensive internal consultations, which were enhanced by discussions at international level, Morocco is hereby responding to the International community, by accepting to engage in thorough and detailed negotiations on the various aspects of this initiative.

My country hopes the other parties will be guided by the same political will and earnest commitment to resolve this dispute, once and for all, and to promote peace, security and stability in an endangered geopolitical environment. Such a development would fulfill the aspirations of the peoples of the Maghreb, and contribute to the emergence of a stable, prosperous, democratic and solidarity based Arab Maghreb Union that would be an active player dedicated to African solidarity, as well as a credible interlocutor for all its partners in the region.

By sending you the document introducing this initiative, the Kingdom of Morocco is confirming its commitment to the lofty ideas enshrined in the UN Charter. The Moroccan people, all segments and persuasions included, pin great hopes on the efforts yourself and your Personal Envoy will exert to convince the other parties to seize the chance for peace brought by this initiative, and to appreciate all it has to offer in terms of shaping a better future for the region, and promoting stability, security, democracy and prosperity therein.

I request that you kindly circulate this letter, along with the attached document, and that you append them to your next report to the Security Council.

Yours sincerely

EXPLANATORY MEMORANDUM ON THE APPROACH AND SUBSTANCE OF THE MOROCCAN INITIATIVE

The autonomy proposal submitted by the Kingdom of Morocco to the United Nations Organization comes in response to the wish expressed by the international community to break the current stalemate. Meant to foster dialogue and help initiate negotiations, the proposal is limited, at this stage, to the broad lines of the autonomy statute.

1. A proposal largely open to negotiation

- A number of countries wanted Morocco to focus on an open

approach and negotiations, instead of a detailed presentation of the autonomy proposal;

- This is by no means a unilateral decision, nor is it a rigid offer. It is rather an initiative which is open to all the other parties. The aim being to reach a realistic and practical compromise solution;

- Hence, the Moroccan proposal does not go into the details of the autonomy project. At this stage, it is limited to defining the outline and principles governing autonomy, allowing for the proposal to be enriched by the other parties during the negotiations phase.

- What counts most, at this stage, is to set in motion a momentum for peace, by initiating a negotiating process that would permit detailed substantive discussions

2. An initiative falling with the framework of the United Nations

- The initiative is in response to calls issued by the United Nations;
- The aim is to break the current impasse, through a proposal which seeks to foster a final, mutually acceptable political solution;

- Morocco is the only country to propose a solution offering extensive regional autonomy, which would enable the populations of the Sahara to manage their own affairs themselves, ensuring at the same time that the Kingdom's sovereignty, national unity and territorial integrity are preserved.

- This Initiative is a compromise solution between two options at the exact opposite of each other, i.e. integration and independence.

3. A substantial, credible initiative

- The substance of the Moroccan proposal takes into account the social and cultural specificities of the region and is consisted with international autonomy standards;

- The proposal is an integral part of His Majesty's project to build a modern open democratic society. It derives its strength from the fact that its preparation went through a dynamic process of consultation and democratic participation;

- In addition to preserving the Kingdom's sovereignty, national unity and territorial integrity, the proposal gives extensive powers to the region endowing it with its own bodies, which will enable the Sahara populations to run their own affairs democratically;

- It gives the region resources of its own, and at the same time makes it possible for it to continue to benefit from the advantages of national solidarity, in order to achieve its social and economic development;

- The initiative takes into consideration the valuable achievements

accomplished by the Region's populations through their participation in the nation's institutions as well as in all aspects of economic, social and cultural life;

- The initiative provides for the Region to have its own legislative, executive and judicial bodies, including a high regional court mandated, in particular to rule on electoral disputes;
- The proposal provides for coordination mechanisms between regional and national institutions as well as arbitration bodies to resolve possible disputes over jurisdiction.

4. Concerted implementation

- In keeping with the same principle of negotiation and dialogue, the proposal relies on the parties earnest commitment to contribute, in good faith, to the endorsement of the autonomy Statute, through a referendum by the Region's populations, who would thus have exercised their right to self determination;
- The Moroccan initiative also provides for confidence-building and transitional measures; amnesty, return of refugees, setting up of a transitional council mandated, among other things, to prepare the first elections in the autonomous Region ;

5. An initiative which opens up a number of prospects and opportunities

- Putting an end to the sufferings of the Tindouf camp populations;
- Allowing reunification and the return of populations who are now in the camps;
- Giving a fresh chance to boosting the Maghreb construction ;
- Guarding against the threats and risks of instability in the Sahel and Sahara region.

MOROCCAN INITIATIVE FOR NEGOTIATING AN AUTONOMY STATUTE FOR THE SAHARA REGION

I. Morocco's commitment to a final political solution

1. Since 2004, the Security Council has been regularly calling upon "the parties and states of the region to continue to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution" .

2 . Responding to this call by the international community, the Kingdom

of Morocco set a positive, constructive and dynamic process in motion, and pledged to submit an autonomy proposal for the Sahara, within the framework of the Kingdom's sovereignty and national unity.

3. this initiative is part of the endeavors made to build a modern, democratic society, based on the rule of law, collective and individual freedoms, and economic and social development. As such, it brings hope for a better future for the region's populations, puts an end to separation and exile, and promotes reconciliation.

4. through this initiative, the Kingdom of Morocco guarantees to all Saharawi, inside as well as outside the territory, that they will hold a privileged position and play a leading role in the bodies and institutions of the region, without discrimination or exclusion.

5. thus, the Sahara populations will themselves run their affairs democratically, through legislative, executive and judicial bodies enjoying exclusive powers. They will have the financial resources needed for the region's development in all fields, and will take an active part in the nation's economic, social and cultural life.

6. The state will keep its powers in the royal domains, especially with respect to defense, external relations and the constitutional and religious prerogatives of His Majesty the King.

7. The Moroccan initiative, which is made in an open spirit, aims to set the stage for dialogue and a negotiation process that would lead to a mutually acceptable political solution.

8. As the outcome of negotiations, the autonomy statute shall be submitted to the populations concerned for a referendum, in keeping with the principle of self-determination and with the provisions of the UN Charter.

9. To this end, Morocco calls on the other parties to avail the opportunity to write a new chapter in the region's history. Morocco is ready to take part in serious, constructive negotiations on basis of this initiative, and to contribute to promoting a climate of trust.

10. To achieve this objective, the Kingdom of Morocco remains willing to cooperate fully with the UN Secretary-General and his Personal Envoy.

II . Basic elements of the Moroccan proposal

11. The Moroccan autonomy project draws inspiration from relevant proposals of the United Nations Organization, and from the constitutional provisions in force in countries that are geopolitically and culturally close to Morocco. It is based on internationally recognized norms and standards.

A . Powers of the Sahara Autonomous Region

12. In keeping with democratic principles and procedures, and through legislative, executive and judicial bodies, the populations of the Sahara autonomous Region shall exercise powers, within the Region's territorial boundaries, mainly over the following :

- Region's local administration, local police force and jurisdictions;
- in the economic sector, economic development, regional planning, promotion of investment, trade, industry, tourism and agriculture;
- Region's budget and taxation;
- infrastructure; water, hydraulic facilities, electricity, public works and transportations;
- in the social sector; housing, education, health, employment, sports, social welfare and social security;
- cultural affairs, including promotion of the Saharan Hassani cultural heritage;
- environment.

13. The Sahara autonomous Region will have the financial resources required for its development in all areas. Resources will come, in particular, from :

- taxes, duties and regional levies enacted by the Region's competent authorities;
- proceeds from the exploitation of natural resources allocated to Region;
- the share of proceeds collected by the State from the exploitation of natural resources located in the Region;
- the necessary funds allocated in keeping with the principle of national solidarity.
- proceeds from the Region's assets.

14. The State shall keep exclusive jurisdiction over the following in particular;

- the attributes of sovereignty, especially the flag, the national anthem and the currency;

- the attributes stemming from the constitutional and religious prerogatives of the King, as Commander of the Faithful and Guarantor of freedom of worship and of individual and collective freedoms;
- national security, external defense and defense of territorial integrity;
- external relations
- the Kingdom's juridical order

15. State responsibilities with respect to external relations shall be exercised in consultation with the Sahara autonomous Region for those matters which have a direct bearing on the prerogatives of the Region. The Sahara autonomous Region may, in consultation with the Government, establish cooperation relations with foreign Regions to foster inter-regional dialogue and cooperation.

16. The powers of the State in the Sahara autonomous Region, as stipulated in paragraph 13 above, shall be exercised by a Representative of the Government.

17. Moreover, powers which are not specifically entrusted to a given party shall be exercised by common agreement, on the basis of the principle of subsidiary.

18. The populations of the Sahara autonomous Region shall be represented in Parliament and in the other national institutions. They shall take part in all national elections.

B. Bodies of the Region

19. The Parliament of the Sahara autonomous Region shall be made up of members elected by the various Saharawi tribes, and of members elected by direct universal suffrage, by the Region's populations. There shall be adequate representation of women in the Parliament of the Sahara autonomous Region.

20. Executive authority in the Sahara autonomous Region shall lie with a Head of Government, to be elected by the regional Parliament. He shall be invested by the King.

The head of Government shall be the Representative of the State in the Region.

21. The head of Government of Sahara autonomous Region shall form the Region's Cabinet and appoint the administrators needed to exercise the

powers devolving upon him, under the present authority Statute. He shall be answerable to the Region's Parliament.

22. Courts may be set up by the Regional Parliament to give rulings on disputes arising from enforcement of norms enacted by the competent bodies of the Sahara autonomous Region. These courts shall give their rulings with complete independence, in the name of the King.

23. As the highest jurisdiction of the Sahara autonomous Region, the high regional court shall give final decisions regarding the interpretation of Region's legislation, without prejudice to the powers of the Kingdom's Supreme Court or Constitutional Council.

24. Laws, regulations and court rulings issued by the bodies of the Sahara autonomous Region shall be consistent with the Region's autonomy Statute and with the Kingdom's Constitution.

25 . The Region's populations shall enjoy all the guaranties afforded by Moroccan Constitution in the area of human rights as they are universally recognized.

26. An Economic and Social Council shall be set up in the Sahara autonomous Region. It shall comprise representatives from economic, social, professional and community groups, as well as highly qualified figures.

III. Approval and Implementation procedure for the autonomy statute

27. The Region's autonomy statute shall be the subject of negotiations and shall be submitted to the populations concerned in a free referendum. This referendum will constitute a free exercise, by these populations, of their right to self determination, as per the provisions of International legality, the Charter of the United Nations and the resolutions of the General Assembly and the Security Council.

28. To this end, the parties pledge to work jointly and in a good faith to foster this political solution and assure its approval by the Sahara populations.

29. Moreover, the Moroccan Constitution shall be amended and the autonomy Statute incorporated in it, in order to guarantee its sustainability and reflect its special place in the country's national

juridical architecture.

30. The Kingdom of Morocco shall take all the necessary steps to ensure full integration, into the nation's fabric, of persons to be repatriated. This will be done in a manner which preserves their dignity and guarantees their security and the protection of their property.

31. To this end, the Kingdom of Morocco shall, in particular, declare a blanket amnesty, precluding any legal proceedings, arrest, detention, imprisonment or intimidation of any kind, based on facts covered by this amnesty.

32. Once the parties have agreed on the proposed autonomy, a Transitional Council, composed of their representatives, shall assist with repatriation, disarmament, demobilization and reintegration of armed elements who are outside the territory, as well as with any other action aimed at securing the approval and implementation of the present Statute, including elections.

33. Just like the international community, the Kingdom of Morocco firmly believes today that the solution to the Sahara dispute can only come from negotiations. Accordingly, the proposal it is submitting to the United Nations constitutes a real opportunity for initiating negotiations with a view to reaching a final solution to this dispute, in keeping with International legality, and on the basis of arrangements which are consistent with the goals and principles enshrined in the United Nations Charter.

34. In this respect, Morocco pledges to negotiate in good faith and in constructive open spirit to reach a final, mutually acceptable political solution to the dispute plaguing region. To this end, The Kingdom of Morocco is prepared to make a positive contribution to creating an environment of trust which would contribute the successful outcome of this initiative.

35. The Kingdom of Morocco hopes the other parties will appreciate the significance and scope of this proposal, realize its merit, and make a positive and constructive contribution to it. The Kingdom of Morocco is of the view that the momentum created by this initiative offers a historic chance to resolve this issue once and for all.