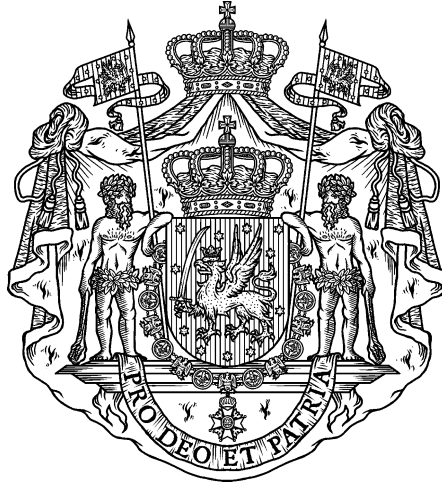


DIPLOMATIC MEMORANDA OF KAHARAGIA

**Diplomatic Memorandum on the Recognition of
the Sahrawi Arab Democratic Republic**

DM-2026-006



Diplomatic Memorandum on the Recognition of the Sahrawi Arab Democratic Republic

Decolonisation, Sahrawi self-determination and the status of Western Sahara

SECRETARIAT OF STATE, SECTION II — FOREIGN AFFAIRS

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Issued by the Secretariat of State, Section II — Foreign Affairs. A Diplomatic Memorandum states the position of the State of Kaharagia on a question of recognition or contested sovereignty, the grounds on which that position rests, and the reservations to which it is subject. Recognition, accreditation, immunity and privilege are conferred by the appropriate Sovereign instrument; this publication records the position those instruments give effect to.

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The Determination

POSITION OF THE STATE

Kaharagia recognises the Sahrawi Arab Democratic Republic as the sovereign state of the Sahrawi people in Western Sahara

SELF-DETERMINATION	Recognised. The Sahrawi people hold an unfulfilled right to decide the status of Western Sahara.
STATE RECOGNITION	Extended in full.
DISPOSITION	Recognition, the first of the five in DM-2026-001. No territorial reservation is entered.
GOVERNMENT	The institutions of the Sahrawi Arab Democratic Republic are recognised as entitled to act for the state, subject to continuing democratic and human-rights obligations.
DIPLOMATIC RELATIONS	Not established by this instrument. Reserved to a separate decision.
TERRITORY	Western Sahara within its decolonisation boundaries. Present control does not determine title.

COMMON DOCTRINAL BASIS

A people’s right to self-determination is not extinguished by an inherited border. Nor is it fulfilled by foreign occupation, coerced integration, ethnic cleansing, demographic engineering, or a nominal independence maintained under another state’s effective control. Recognition of a state is separate from endorsement of its government and from the establishment of diplomatic relations.

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1. Executive Position

Kaharagia recognises the Sahrawi Arab Democratic Republic as the sovereign state of the Sahrawi people in Western Sahara. Western Sahara remains a decolonisation question and a listed Non-Self-Governing Territory. Spanish Sahara was included in the list under Chapter XI of the Charter in 1963, and Spain transmitted information on the Territory from 1962. The Sahrawi people have never completed a free and genuine act of self-determination between independence and another status. The right has never been discharged.

Recognition does not rest on a claim that the Sahrawi Arab Democratic Republic governs what it claims. It does not. The Court of Justice of the European Union recorded in October 2024 that the majority of the territory is controlled by Morocco, while the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro controls a smaller and very sparsely populated area in the east. The reason for that division is the conduct whose lawfulness is in question. Moroccan control cannot become sovereign title, or remove independence from the choices open to the Sahrawi people.

Three facts of record carry the determination, and none of them is contested by Kaharagia alone. The International Court of Justice found in 1975 that the materials before it established no tie of territorial sovereignty between Western Sahara and Morocco. The United Nations Legal Counsel advised in 2002 that the Madrid Agreement of 14 November 1975 transferred no sovereignty and conferred the status of administering Power on nobody, a status Spain could not have transferred unilaterally in any event. Morocco is not listed as the administering Power of the Territory and has not transmitted information on it under Article 73 e of the Charter.

One fact of record runs the other way, and this publication meets it directly rather than at the end. On 31 October 2025, in resolution 2797 (2025), the Security Council took Morocco's Autonomy Proposal as the basis for negotiations. Kaharagia states below what that resolution decides, what it does not decide, and why a Kaharagian recognition is consistent with it.

1.1 The Sahrawi Disposition: Recognition Without Territorial Reservation

Western Sahara turns on four questions the doctrine keeps apart, and answering one leaves the others open, and nothing is decided by implication. Taken in order:

- **The right of self-determination.** Recognised. The Sahrawi people hold an unfulfilled right to decide the status of Western Sahara, and no act of any other party has discharged it.
- **Statehood.** Recognised, over Western Sahara within its decolonisation boundaries.
- **Government.** The institutions of the Sahrawi Arab Democratic Republic are recognised as entitled to act for the state, subject to continuing democratic and human-rights obligations. No office-holder is endorsed by this act.
- **Diplomatic relations.** Not established here. They may be established separately by a decision of the Sovereign.

The disposition is recognition, the first of the five in DM-2026-001. No territorial

reservation is entered, and the contrast with DM-2026-007 is deliberate. There Kaharagia declines to recognise Somaliland's title to districts whose people reject rule from Hargeisa, and the reservation is part of the act. Here the boundary invoked is the decolonisation boundary of a listed Territory, and the population whose presence is said to unsettle it was introduced by the party in control. The matters excluded below are limits on what this act does. They are not qualifications upon the state's existence or upon its territorial basis.

2. Why Western Sahara Is Still a Decolonisation Case

DM-2026-001 places every case in one of three families before applying any further test, because the claimant's burden differs according to where the claim begins. Its remedial branch asks whether a people inside a state has been systematically excluded, repressed and left without a credible constitutional remedy, so that separation becomes the remaining lawful answer. That is the third family and the heaviest burden. Western Sahara does not sit there.

It sits in the first, unfinished decolonisation. Spain's departure and the subsequent division and occupation of the Territory completed no act of Sahrawi self-determination. Kaharagia therefore need not prove that Moroccan administration has failed the remedial test, and does not attempt to. The question is whether the Sahrawi people have chosen, and they have not.

The first family has texts of its own, and they are not Kaharagian inventions. Resolution 2625 (XXV) of 24 October 1970 provides that the territory of a colony or other Non-Self-Governing Territory has under the Charter a status separate and distinct from the territory of the State administering it, and that the separate and distinct status shall exist until the people of that territory have exercised their right of self-determination. Paragraph 5 of resolution 1514 (XV) of 14 December 1960 required immediate steps to transfer all powers to the peoples of such territories, without any conditions or reservations, in accordance with their freely expressed will and desire. Both are recommendations of the General Assembly, and Kaharagia adopts the rule they state.

Time does not discharge the obligation, and the proposition has been tested in a court within living memory. In its advisory opinion of 25 February 2019 on the Chagos Archipelago the International Court of Justice found that the detachment of 1965 was not based on the free and genuine expression of the will of the people concerned, that the decolonisation of Mauritius was accordingly not lawfully completed on accession to independence in 1968, and that the United Kingdom is under an obligation to bring its administration of the Archipelago to an end as rapidly as possible. Fifty-four years had passed between the act and the finding. That is an advisory opinion and binds no state as a judgment binds parties. Kaharagia adopts the test and does not present it as a holding against any government.

2.1 What the Court Decided in 1975, and What It Did Not

In its advisory opinion of 16 October 1975 the International Court of Justice answered two questions put by the General Assembly. It found that Western Sahara at the time

of Spanish colonisation was not territory belonging to no one. It found the existence of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory, and legal ties between the Mauritanian entity and the territory. It found that the materials and information presented to it did not establish any tie of territorial sovereignty between Western Sahara and the Kingdom of Morocco or the Mauritanian entity, and no legal ties of such a nature as might affect the application of resolution 1514 (XV) and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.

An advisory opinion answers questions put to the Court. It is not a judgment against a party and decides no contentious case; its authority lies in its reasoning. Precision cuts both ways here. The Court did not hold that Morocco has no connection to the territory or its people. Ties of allegiance are real, they are a matter of the Court's own finding, and they are not a title. They are also not consent.

2.2 The Madrid Agreement and What It Could Not Transfer

On 14 November 1975 Spain, Morocco and Mauritania concluded a Declaration of Principles on Western Sahara at Madrid, by which the powers and responsibilities of Spain as administering Power were transferred to a temporary tripartite administration. The Legal Counsel of the United Nations analysed that instrument in a letter of 29 January 2002 to the President of the Security Council, circulated as document S/2002/161. The Madrid Agreement did not transfer sovereignty over the Territory, nor did it confer upon any of the signatories the status of an administering Power, a status which Spain alone could not have unilaterally transferred. The transfer of administrative authority to Morocco and Mauritania in 1975 did not affect the international status of Western Sahara as a Non-Self-Governing Territory.

That is the advice of the Legal Counsel to an organ of the United Nations. It is not a judgment, it binds no state, and Kaharagia does not present it as one. The same letter records what followed. Spain informed the Secretary-General on 26 February 1976 that it had terminated its presence and relinquished its responsibilities. Mauritania withdrew in 1979 under an agreement of 19 August 1979, after which Morocco has administered the Territory alone. Morocco is not listed as the administering Power and has therefore transmitted no information under Article 73 e.

The General Assembly's answer to the Madrid instrument was given within a month, and it took two resolutions on the same day to give it. By resolution 3458 A (XXX) of 10 December 1975 the Assembly reaffirmed the inalienable right of the people of Spanish Sahara to self-determination and requested Spain, as the administering Power, to take immediately all necessary measures so that all Saharans originating in the Territory might exercise fully and freely, under United Nations supervision, their inalienable right to self-determination. By resolution 3458 B (XXX) of the same date it took note of the tripartite agreement concluded at Madrid, reaffirmed the right of all the Saharan populations originating in the Territory, and requested the interim administration to take all necessary steps to ensure that they would be able to exercise that right through free consultations organised with the assistance of a representative of the United Nations appointed by the Secretary-General.

Read together, the two resolutions decline to treat the Madrid instrument as dispos-

ing of anything. The Assembly noted the agreement and in the same breath required the consultation the agreement did not provide. On 21 November 1979, in resolution 34/37, it went further: it deeply deplored the aggravation of the situation resulting from the continued occupation of Western Sahara by Morocco and the extension of that occupation to the territory recently evacuated by Mauritania, urged Morocco to join in the peace process and to terminate the occupation, and recommended that the Frente POLISARIO, the representative of the people of Western Sahara, should participate fully in any search for a settlement. A resolution of the General Assembly is a recommendation and not a binding decision. Kaharagia records it as the clearest statement by a principal organ of the character of the situation and of who speaks for the people concerned.

2.3 The Unheld Referendum and the Argument From Time

The referendum contemplated by the United Nations has not occurred, and the record of the attempt is documented rather than disputed. On 30 August 1988 Morocco and the Frente POLISARIO gave their agreement in principle to settlement proposals of the Secretary-General and the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity. By resolution 658 (1990) of 27 June 1990, adopted unanimously at its 2929th meeting, the Security Council approved the report of the Secretary-General containing the full text of those proposals as accepted by the two parties and an outline of the plan to implement them. By resolution 690 (1991) of 29 April 1991, adopted unanimously at its 2984th meeting, the Council expressed its full support for the organisation and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, and decided to establish under its authority the United Nations Mission for the Referendum in Western Sahara. The mission established for the territory carries the referendum in its name.

The referendum was originally scheduled for January 1992. It did not take place. The Mission began identifying potential voters in August 1994, the Secretary-General suspended the identification process in May 1996, and the Identification Commission formally completed its work in 2004 by transferring all its documentation to Geneva. Disputes over voter eligibility, political conditions and competing settlement plans have prolonged the conflict since.

The option set once included independence, and that is a matter of the Council's own record rather than of advocacy. In resolution 1495 (2003) of 31 July 2003, acting under Chapter VI, the Council supported the Peace plan for self-determination of the people of Western Sahara presented by the Personal Envoy of the Secretary-General as an optimum political solution on the basis of agreement between the two parties. The Frente POLISARIO described the format of that plan in its own submission to the Council in 2007 as the choice between independence, integration into the Kingdom of Morocco and self-governance. A ballot with three entries is what the Council supported in 2003.

On the delay an argument is built: the vote has become impractical, and the only realistic future is the one the controlling party offers. DM-2026-001 answers it. A free choice requires freedom from decisive external control, and a process in which that

power decides which options remain on the paper does not meet the standard. If obstruction could extinguish the right obstructed, the reward would rise with its success. Delay cannot mature into lawful annexation.

3. Resolution 2797 and the Argument That Only Autonomy Remains

The Security Council adopted resolution 2797 (2025) at its 10030th meeting on 31 October 2025. It extended the mandate of the Mission until 31 October 2026. It expressed full support for the Secretary-General and his Personal Envoy in facilitating and conducting negotiations taking as basis Morocco's Autonomy Proposal, presented on 11 April 2007, and called upon the parties to engage in those discussions without preconditions on that basis. It recorded in its preamble the support expressed by many Member States for that proposal, and affirmed that genuine autonomy under Moroccan sovereignty could constitute a most feasible solution. It requested a strategic review of the Mission's future mandate within six months. Reporting of the proceedings records adoption by eleven votes in favour with three abstentions, by China, Pakistan and the Russian Federation, and records that Algeria, then a member of the Council, did not vote.

Kaharagia states what that instrument does. It decides one thing, in operative paragraph 1: the Mission continues for a year. The remainder expresses support, takes note, welcomes, calls upon and invites. The words on which the argument from realism rests are preambular and conditional. Autonomy under Moroccan sovereignty could constitute a most feasible solution. A statement that an outcome could be feasible is not a determination that a state holds title to a territory, and the Council did not make one.

The resolution also keeps the object of the exercise where it was. Operative paragraph 3 calls for a final and mutually acceptable political solution that provides for the self-determination of the people of Western Sahara. The preamble reaffirms the Council's commitment to a solution consistent with the principles and purposes of the Charter, including the principle of self-determination. An instrument that names autonomy as the basis of negotiation and self-determination as the object of the outcome has narrowed the road without moving the destination.

One further point of law disposes of the strongest version of the objection. DM-2026-001 provides that a duty of non-recognition arises where a situation is the product of a serious breach of a peremptory norm, and in particular where the competent international organs have called upon states to withhold recognition. Resolution 2797 (2025) calls upon no state to withhold recognition from anyone. It declares no entity legally invalid. It determines the status of no territory. The contrast with DM-2026-008 is exact: in resolution 541 (1983) the Council considered a declaration legally invalid and called upon all States not to recognise any Cypriot State other than the Republic of Cyprus, and that duty foreclosed the merits. Nothing of that character exists in this file, in either direction.

The General Assembly returned to the question five weeks later and reached a different emphasis on the same facts. In resolution 80/89, adopted on 5 December 2025 at its

55th plenary meeting on the report of the Fourth Committee, the Assembly reaffirmed the inalienable right of all peoples to self-determination and independence in accordance with the Charter and resolution 1514 (XV); recognised that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the people concerned and in conformity with the principles contained in resolutions 1514 (XV) and 1541 (XV); reaffirmed the responsibility of the United Nations towards the people of Western Sahara; and requested the Special Committee on decolonisation to continue to consider the situation in Western Sahara and to report to the Assembly at its eighty-first session.

Two principal organs addressed one file within six weeks and neither contradicted the other. The Council set a negotiating basis and required the outcome to provide for self-determination. The Assembly kept the Territory on the decolonisation agenda and required any option to match the freely expressed wishes of the people concerned. Kaharagia records both and takes the proposition they share, which is that the choice belongs to the Sahrawi people and has not yet been made.

3.1 The Autonomy Proposal, Read as Written

The Moroccan initiative for negotiating an autonomy statute for the Sahara region was transmitted to the President of the Security Council by letter of 11 April 2007 and circulated as document S/2007/206. Kaharagia has read it. It offers the populations of the region legislative, executive and judicial bodies with powers over local administration and police, economic development, the regional budget and taxation, infrastructure, housing, education, health, employment, culture and environment, and provides for representation in the national Parliament and participation in national elections.

The instrument is explicit about what it withholds. The proposal is made within the framework of the Kingdom's sovereignty and national unity. The State keeps exclusive jurisdiction over the attributes of sovereignty, including the flag, the national anthem and the currency; over the constitutional and religious prerogatives of the King; over national security, external defence and defence of territorial integrity; over external relations; and over the Kingdom's juridical order. The Head of Government of the Region is elected by the regional Parliament and invested by the King. Laws, regulations and court rulings issued by the Region's bodies must be consistent with the Kingdom's Constitution.

The proposal contains its own referendum clause, and that clause is the reason this publication reproduces the terms rather than characterising them. Paragraph 27 provides that the autonomy Statute shall be submitted to the populations concerned in a free referendum, and that this referendum will constitute a free exercise by those populations of their right to self-determination. The ballot described has one entry. A vote in which the only proposal is the one the controlling power has drafted, held under the sovereignty that proposal presupposes, is a vote on the terms of an outcome rather than a choice among outcomes. Resolution 1541 (XV) set the procedural standard for the least contested transition, requiring that the wishes of a people be expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage, and provided that the three routes to a full measure of self-government are independence, free association and integration. A process that offers

one route cannot deliver a choice among three.

The constituency named in that clause raises the same difficulty a second time. The referendum is to be put to the populations concerned. The Court of Justice of the European Union found in October 2024 that a consultation conducted before the adoption of the contested decisions did not concern the people of Western Sahara but the inhabitants currently present in that territory, irrespective of whether or not they belong to that people, and that a significant proportion of the people now lives outside the territory. The distinction between the people who hold the right and the population presently on the ground is not a Kaharagian construction. It was drawn by a court examining this territory.

None of this makes autonomy an unlawful outcome. Resolution 2625 (XXV) provides that the establishment of a sovereign and independent State, free association or integration with an independent State, or the emergence into any other political status freely determined by a people, are all modes of implementing the right. An autonomy freely chosen by the Sahrawi people would discharge the right, and Kaharagia would follow that choice. What the doctrine forbids is the presentation of one option as the whole ballot by the party whose control produced the absence of the others.

The competing document belongs in the record beside it. The proposal of the Frente POLISARIO was circulated on 16 April 2007 as document S/2007/210. It offers a referendum on the format of the Peace plan the Council supported in 2003, namely the choice between independence, integration into the Kingdom of Morocco and self-governance, and states a commitment to accepting the results whatever they are. It also offers, in the event that the referendum led to independence, negotiated guarantees to Morocco and to the Moroccan population residing in Western Sahara, mutual recognition of the sovereignty and territorial integrity of the two countries on the principle of the intangibility of inherited borders, joint arrangements over natural resources, and Sahrawi nationality for any Moroccan citizen legally established in the territory who applies for it. Kaharagia records that as a published position of the party it is recognising, not as evidence of how that party would behave. The undertaking is quoted below because recognition puts Kaharagia in a position to hold its author to it.

3.2 Support for a Plan Is Not Recognition of a Title

States have taken positions on this question in the past six years, and the positions differ in kind in a way that reporting frequently collapses. The Secretary-General recorded that on 8 April 2025 the Secretary of State of the United States reiterated his Government's recognition of Moroccan sovereignty over Western Sahara and urged the parties to use Morocco's Autonomy Proposal as the only framework. He also recorded that in a joint communiqué of 1 June 2025 the United Kingdom stated that it considered the Moroccan autonomy plan the most credible, viable and pragmatic basis for a lasting resolution of the dispute, and that the Sahrawi Arab Democratic Republic, in expressing its regret, noted that the United Kingdom had not recognised Moroccan sovereignty over the Territory.

That distinction is the whole of the point. Endorsing a negotiating basis and recognising a sovereign title are different acts with different consequences, and a state that has done the first has not done the second. Kaharagia records which states have done

which and treats neither as settling anything for Kaharagia.

DM-2026-001 disposes of the arithmetic in any event. Recognition is not a poll. The number of states recognising an entity, the identity of the most recent to do so and any later withdrawal are facts about those states rather than answers to the question this doctrine asks. The rule that would have prevented Kaharagia from recognising an entity because it was unfashionable is the rule that prevents Kaharagia from declining to recognise one because a recognition has become expensive.

4. Statehood Where Control Is Divided

The strongest objection to this determination is practical. A state must govern. The Sahrawi Arab Democratic Republic administers a part of the territory and operates institutions in refugee camps outside it, so recognising it as sovereign over land it does not hold looks like a fiction.

DM-2026-001 weighs a permanent population, an identifiable territory, institutions capable of public government and the capacity to conduct external relations, which are the qualifications listed at Article 1 of the Montevideo Convention. It forbids applying those indicia mechanically. Effectiveness is read with legality and popular legitimacy, and a people does not lose its statehood because another power obstructs the ordinary exercise of authority. Article 3 of the same convention states that the political existence of the state is independent of recognition by the other states.

Applied here, the objection consumes itself. Effectiveness is offered as proof of title by the party whose control produced its absence on the other side. Effective control is a fact about who administers a territory. Sovereign title is a conclusion about who is entitled to administer it, and the 1975 opinion of the International Court of Justice is a finding that the entitlement asserted was not established on the materials before it.

The other indicia hold, and each is supported by a source outside the claimant. The territory is identifiable: the decolonisation boundaries of a listed Non-Self-Governing Territory, whose separate and distinct status resolution 2625 (XXV) preserves until the right is exercised, and which the Court of Justice of the European Union has held to be separate from Morocco and a customs territory in its own right for the purposes of Union law. The population is permanent: the Secretary-General reported in September 2025 that Sahrawi refugees remain in five camps near Tindouf after fifty years of displacement, and Human Rights Watch records an estimate by the Office of the United Nations High Commissioner for Refugees of approximately 173,000 people in those camps.

Capacity for external relations is evidenced rather than asserted. The Sahrawi Arab Democratic Republic has been a member of the African Union and its predecessor since 22 February 1982. The Court of Justice of the European Union held in October 2024 that the Frente POLISARIO is a privileged interlocutor in the process conducted under the auspices of the United Nations with a view to determining the future status of Western Sahara, and that it satisfies the conditions to challenge Union decisions before the Union judicature in the interests of the people of Western Sahara. The General Assembly named it the representative of the people of Western Sahara in 1979.

DM-2026-001 denies that any of this grants statehood. It evidences a capacity, which is what the indicium asks about.

Institutions capable of public government are evidenced in the same documents that record the conflict. The Secretary-General reported that east of the berm the Mission conducts ground patrols accompanied by the Frente POLISARIO, that its movements there require authorisation, that liaison meetings take place between Mission team site commanders and Frente POLISARIO military regional commanders, and that the Mine Action Service maintains coordination through a Sahrawi Mine Action Coordination Office. Those are the marks of an administration exercising authority over territory. They are also the marks of its limits, and this publication does not report the first without the second.

4.1 Dependency, Algeria and the Question Kaharagia Puts to Every Claimant

DM-2026-001 locates every case on a scale of three. Dependency is ordinary among recognised states and does not defeat statehood. Effective control shifts the burden, and the entity must then show that the will it expresses is its own. Absorption is the condition the core maxim forbids. That scale decides DM-2026-002, DM-2026-003, DM-2026-004 and DM-2026-008, and Kaharagia does not suspend it because the claimant here is sympathetic.

The relationship it examines in this case is with Algeria, which hosts the camps and the Sahrawi administration in exile near Tindouf. On origin, the claim predates any patron: the General Assembly recognised the Frente POLISARIO as the representative of the people of Western Sahara in 1979, and the Court of Justice of the European Union recorded that a large part of that people has been in exile since the 1970s and has found refuge in Algeria. On trajectory, no instrument merging Sahrawi institutions into Algeria is before the Secretariat, no transfer of state functions appears in the materials examined, and no conferral of Algerian citizenship on the population at scale is recorded in them. The Secretary-General reported that Algeria's Minister for Foreign Affairs supports the positions expressed by the Frente POLISARIO while insisting that his country does not consider itself a party to the conflict.

Kaharagia therefore finds dependency, and states plainly what it has not found. No court or comparable body has attributed conduct in the territory east of the berm to Algeria in the materials before the Secretariat, and no finding of Algerian effective control appears in them. On whether Sahrawi institutions have refused the patron something the patron wanted, the Secretariat holds no evidence either way. Nothing before it records whether a Sahrawi party, newspaper or candidate may campaign against the arrangement with Algeria and survive doing so. Those are gaps in the record and not findings, and Kaharagia does not convert the one into the other. Were an arrangement to appear transferring decisive control over Sahrawi security institutions or foreign policy to another state, the case would move down the scale and engage the review provision below.

4.2 Why Kosovo, Somaliland and Northern Cyprus Do Not Decide This Case

Kosovo was an autonomous unit within a sovereign state whose constitutional order broke down, and DM-2026-005 rests recognition on that record while warning that no general right of unilateral secession follows. Western Sahara needs none of that reasoning. There is no Moroccan constitutional order whose failure must be proved, because the Sahrawi claim precedes the administration it is asserted against and the Territory's separate status is a matter of the Charter.

DM-2026-007 recognises Somaliland on restored pre-union statehood, durable institutions and popular will, and enters a territorial reservation because communities inside the claimed boundary reject rule from Hargeisa. No equivalent reservation is entered here, and the reason is a rule rather than a preference. DM-2026-001 provides that settlement organised or encouraged by a controlling power shall not decide the status question it was designed to foreclose. Sahrawis who dissent from their own authorities must be heard, and this publication says so in terms. A population introduced by the controlling power during the period of control is not a local community whose preference redraws a decolonisation boundary.

Northern Cyprus is the closest structural comparison and produces the opposite result for the same reason. In DM-2026-008 the entity seeking recognition is the one sustained by a foreign patron's effective control, so recognition is withheld from it. Here the party in effective control is the one asserting sovereignty, so recognition is withheld from the assertion. Only the direction of the rule changes. The second difference is decisive and belongs to the Security Council rather than to Kaharagia: resolution 541 (1983) called upon all States not to recognise, and no instrument of that character exists here.

DM-2026-010 affirms Palestinian sovereignty notwithstanding occupation, and the configuration there is the configuration here. Sovereignty is not created by the occupation and is not extinguished by it. What differs is the duty of non-recognition. There it arises, because the International Court of Justice identified in its advisory opinion of 19 July 2024 an obligation of all States not to recognise as legal the situation arising from Israel's unlawful presence, and it runs against the occupying power. Here, for the reason just given, none arises against anyone. Palestine and Western Sahara are both cases in which the right survives the control exercised over the people who hold it, and neither is authority for redrawing an inherited frontier through a settled state.

5. Who May Consent for the Sahrawi People, and Over What

The Frente POLISARIO and the Sahrawi Arab Democratic Republic have long claimed to represent the Sahrawi people, and two external bodies have accepted the claim for their own purposes. Kaharagia recognises the institutions of that state as entitled to act for it, subject to continuing democratic and human-rights obligations. The representative claim is accepted for that purpose and carries no permanent title to speak for Sahrawis. DM-2026-001 asks of every claimant whether the institutions embodying a claim are free, representative and genuinely sovereign. Kaharagia put that question to dependent entities in DM-2026-002, DM-2026-003 and DM-2026-004, and does not suspend it here.

Recognition therefore does not immunise Sahrawi institutions from scrutiny, and the file contains matters requiring it. In resolution 1495 (2003) the Security Council reaffirmed its call upon the Frente POLISARIO to release without further delay all remaining prisoners of war in compliance with international humanitarian law, and its call upon both parties to cooperate with the International Committee of the Red Cross to resolve the fate of persons unaccounted for since the beginning of the conflict. The Secretary-General reported in September 2025 that the question of persons still unaccounted for remains a major humanitarian concern and that the Committee remains ready to act as a neutral intermediary. He also reported that the Frente POLISARIO has not permitted the Mission's helicopter reconnaissance flights east of the berm since November 2020, restricts the Mission's ground patrols to a distance of twenty kilometres from each team site, and denied or did not confirm nine alleged incidents the Mission sought to investigate. Kaharagia records those as reported facts and does not treat obstruction of a United Nations mission as a small matter because the party obstructing has the better claim.

Kaharagia expects representative government, civil liberties, transparent administration of refugee camps and of the areas east of the berm, equal rights for women and minorities, and humane treatment of prisoners and opponents. Sahrawis must be free to criticise their own authorities and to argue for a status other than independence. Recognition grants no outside supporter a right of tutelage.

SAHRAWI PRINCIPLE

Western Sahara is first a question of unfinished decolonisation. Recognition must protect Sahrawi self-determination without treating present Moroccan residents as disposable.

5.1 Population Change and the Rights of Present Residents

Moroccan settlement and administrative integration have substantially altered the population, and the scale of the change is now recorded in a United Nations document. The Secretary-General reported that, according to a national census conducted by Moroccan authorities in September 2024 which included the Territory west of the berm, the population of that part of the Territory had increased from approximately 450,000 to 600,000 since the previous survey in 2014. That change cannot manufacture Moroccan sovereign title or erase Sahrawi refugee claims, and DM-2026-001 forbids manufacturing an electorate whose vote is then presented as self-determination.

The same doctrine protects the people that policy brought. Civilians born or long resident in Western Sahara hold human rights and may not be subjected to collective expulsion, denationalisation or violence because of Moroccan origin. Recognition does not authorise the removal of Moroccan civilians, reprisals against Sahrawis who worked for the Moroccan administration, or the withholding of documents, schooling, medical care or property on the ground of origin or past allegiance. Serious crimes are matters of individual responsibility and due process. Ordinary public service is not a crime.

A final settlement is to offer secure residence, citizenship choices, property adjudication and political participation to present residents while ensuring that Sahrawi refugees can return and take part. The party Kaharagia recognises has published an

undertaking to that effect: its 2007 submission to the Security Council offers guarantees to the Moroccan population residing in Western Sahara covering their status and their participation in the political, economic and social life of the territory, and states that the Sahrawi State could grant Sahrawi nationality to any Moroccan citizen legally established in the territory who applied for it. Kaharagia holds the institutions it recognises to what they have published. Property claims belong to restitution, compensation, good-faith purchase evidence and land commissions, not to decree in either direction.

Electoral rules will therefore need to distinguish the self-determination constituency from the enjoyment of ordinary civil rights, so that neither colonial settlement nor retaliatory exclusion decides the outcome. Resolution 3458 A (XXX) framed the constituency in 1975 as all Saharans originating in the Territory, and required the act to take place under United Nations supervision. That definition is hard, and the difficulty argues for international supervision of the vote, not for abandoning it.

5.2 Natural Resources and the Requirement of Consent

Fisheries, phosphates, agriculture, renewable energy and other resources may not be treated as though Morocco held uncontested sovereign title. The Legal Counsel of the United Nations addressed resource activity in the Territory in the letter of 29 January 2002. He concluded that while the specific reconnaissance and evaluation contracts then before the Council were not in themselves illegal, if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self-Governing Territories. He recorded the converse in the same letter: where such activities are conducted for the benefit of the peoples of those Territories, on their behalf or in consultation with their representatives, they are considered compatible with the Charter obligations of the administering Power.

The Court of Justice of the European Union applied the requirement of consent to concrete agreements on 4 October 2024. Sitting as the Grand Chamber in Joined Cases C-778/21 P and C-798/21 P and in Joined Cases C-779/21 P and C-799/21 P, it dismissed in their entirety the appeals brought by the Commission and the Council against the annulment of the decisions approving the 2019 fisheries and agricultural agreements with Morocco. It held that implementation of such an agreement in the territory of Western Sahara must receive the consent of the people of Western Sahara, who are the sole holder of the right of self-determination with regard to that territory, and that such consent had not been given. It held that consent may be presumed only where the agreement creates no obligation for that people and confers on it a specific, tangible, substantial and verifiable benefit deriving from the exploitation of the territory's natural resources, proportional to the degree of that exploitation, and that the second condition was not satisfied because the agreements conferred no rights or benefits on that people. The decision concerning fisheries had expired in July 2023; the effects of the decision on agricultural products were maintained for twelve months.

On the same day, in Case C-399/22, the Court answered a reference from the French Conseil d'État on the labelling of melons and tomatoes harvested in Western Sahara.

It held that the country of origin indicated on those goods may designate only Western Sahara, because they are harvested in that territory, that the territory is separate from Morocco and is a customs territory within the meaning of Union law, and that any other indication would be likely to mislead consumers as to the true origin of the goods. It also held that a Member State may not unilaterally ban such imports, since that falls within the exclusive competence of the Union. A preliminary ruling interprets Union law for the referring court and does not decide the underlying dispute.

The legal character of both sets of decisions must be stated exactly, because they are quoted for more than they hold. Advice within the United Nations and judgments on the validity of European Union acts neither confer nor remove sovereign title, and neither binds Kaharagia. The Court decided what the Union may lawfully conclude and how goods entering the Union must be marked. Kaharagia adopts the proposition those instruments state, which is that the resources of a Non-Self-Governing Territory are disposed of with the consent of its people or not lawfully at all.

Kaharagia therefore avoids procurement, investment or agreements that describe Western Saharan resources as Moroccan without Sahrawi consent, and conforms its treatment of origin, address and provenance to the separate status of the Territory. Recognition does not license opaque disposal of those resources by any other authority either. The Office of the United Nations High Commissioner for Human Rights received reports, following the October 2024 judgments, indicating that the Sahrawi population does not benefit from the exploitation by Morocco of natural resources in the Territory, and stating that this is inconsistent with the principle of self-determination applicable to the people of Western Sahara. Transparency and public benefit remain required whoever administers, and the beneficiary must be the Sahrawi population.

6. Precedent, Negotiation and the Limits of This Act

An objection holds that recognition removes the incentive to negotiate. Recognition changes the subject of the negotiation and leaves the negotiation standing. What is negotiated becomes the peaceful implementation or consensual modification of Sahrawi sovereignty, not whether prolonged control has erased the people's right. Nor does recognition license redrawing inherited borders elsewhere: the boundary invoked is a decolonisation boundary, not a new frontier cut through a state, and the Frente POLISARIO's own 2007 submission rests on the intangibility of borders inherited from the independence period.

Kaharagia supports the United Nations negotiations and the work of the Personal Envoy of the Secretary-General, and does so on the footing that independence remains a genuine option in any process that claims to provide for self-determination. Reporting of Council proceedings records that in early February 2026 the United States convened ministerial-level delegations from Algeria, Mauritania, Morocco and the Frente POLISARIO for direct talks in Madrid, the first such gathering since 2019; that Morocco reportedly presented there a revised version of its 2007 autonomy proposal; that follow-up talks were held in Washington on 23 and 24 February 2026, co-chaired by the Personal Envoy; and that the Secretary-General was expected to submit the

strategic review of the Mission's future mandate in April 2026. The mandate runs to 31 October 2026, which fixes the next ordinary occasion for review of this determination.

A mutually agreed association with Morocco could be legitimate if freely chosen. It cannot be the only option presented as realistic. Recognition extends to Western Sahara within its decolonisation boundaries as the state's territorial basis, while control is divided and the line awaits peaceful settlement. Diplomatic relations may be developed with Sahrawi institutions while Kaharagia maintains dialogue with Morocco, whose nationals are the subject of no accusation in this publication. The objective is a lawful and consent-based final status, human security on both sides of the berm, family reunification, release or accounting for detainees and missing persons, and the end of armed conflict.

6.1 Human Rights, Detainees and the Camps

Kaharagia asks for independent human-rights monitoring because there is none, and the absence is recorded by the Secretary-General rather than alleged by Kaharagia. He reported in September 2025 that the Office of the United Nations High Commissioner for Human Rights has not been granted access to the Territory since 2015 despite repeated requests, that the lack of independent, impartial, comprehensive and sustained monitoring remains detrimental to any assessment of the situation on the ground, and that international observers including parliamentarians, lawyers and journalists reportedly continued to face entry restrictions, with dozens denied entry or expelled. The Security Council had strongly urged enhanced cooperation with that Office in resolution 2756 (2024).

The same report records what monitoring from outside has produced. The Office received reports of shrinking civic space and of restrictions on Sahrawis' rights to freedom of expression, association and peaceful assembly amid growing surveillance, harassment and intimidation, and reports that Moroccan authorities suppressed gatherings supporting self-determination, with a particular impact on Sahrawi women human rights defenders. On 20 March 2025 United Nations special procedure mandate holders sent a communication to Morocco expressing concern over violations affecting seventy-nine Sahrawi activists, and citing abuses linked to coastal development projects involving large-scale land acquisition, destruction of private property and displacement. Morocco denied the allegations in May 2025. A communication from special procedure mandate holders is a request for information and a statement of concern. It is not a finding of a court.

On detention the record is specific. The Secretary-General reported that the conditions of detention of Sahrawi prisoners remain a serious concern, that the Gdeim Izik prisoners remain held in prisons outside Western Sahara, that in November 2024 the Working Group on Arbitrary Detention noted that no action had been taken by Morocco to implement its opinion 23/2023 and highlighted deteriorating conditions including isolation, lack of contact with families and restricted access to medical care, and that at least one death in custody was reported. Human Rights Watch records that nineteen Sahrawi men remain imprisoned after convictions in 2013 and 2017 in trials it describes as unfair, on accusations of killing eleven members of the Moroccan security forces in 2010, with allegations of forced confessions and torture. An opinion of a

working group and a report by a non-governmental organisation are neither of them judgments, and Kaharagia does not convert them into convictions by repetition.

The humanitarian record is the part of this file least affected by the argument about status. The Secretary-General reported that after fifty years of displacement the Sahrawi refugees remain dependent on humanitarian aid; that approximately 36.16 million United States dollars of the nearly 104 million appealed for under the Sahrawi Refugee Response Plan had been received as at the end of July 2025; that a nutrition survey conducted in May 2025 found global acute malnutrition and stunting in children at 13.6 per cent and 30.7 per cent, against 10.7 per cent and 28.8 per cent in 2022, and anaemia prevalence at 68.8 per cent among women of reproductive age and 65.3 per cent among children under five; and that the World Food Programme provides assistance to the approximately 80 per cent of the Sahrawi population who are food-insecure. The confidence-building measures allowing family links between refugees in the camps and their communities of origin, established under resolution 1282 (1999) and subsequent resolutions, remain on hold, and neither party has expressed immediate interest in resuming them.

Fighting has not stopped, and the reported conduct runs in both directions. The Secretary-General reported that nearly five years have elapsed since the resumption of hostilities in 2020; that the Mission continued to receive reports of alleged shootings by the Frente POLISARIO towards units of the Royal Moroccan Army at or near the berm, and of strikes east of the berm by uncrewed aerial vehicles of that Army; that of the strikes the Mission investigated east of the berm, two caused civilian casualties and all caused material damage; and that after investigating an artillery strike by the Royal Moroccan Army in the Mijek area on 15 October 2024 the Mission was informed by local witnesses that three people had been killed, two Mauritanian and one Sudanese, all reportedly artisanal gold miners. As at 31 August 2025, twenty-four of sixty-seven known minefields and thirty-four of five hundred and forty-one recorded cluster strike areas east of the berm had yet to be cleared. Kaharagia states these facts because a recognition that does not know what it is recognising is worth nothing to the people it concerns.

6.2 What Recognition Does Not Authorise

Recognition is addressed to a state. It confers nothing on anyone against anybody living in the territory, displaced from it or living beyond it. Recognition does not authorise:

- The removal, denationalisation or dispossession of Moroccan civilians resident in Western Sahara, or the treatment of their lawful status as a matter of official discretion.
- Reprisals or exclusion from public life directed at Sahrawis who worked for the Moroccan administration, or at Sahrawis who argue for a status other than independence.
- The imposition of any administration by force upon a population that rejects it, or the treatment of military success on either side of the berm as settling status.
- The disposal of Western Saharan resources without transparency and public ben-

efit to the Sahrawi population, by any authority.

- Restrictions on journalists, opponents or peaceful assembly presented as a consequence of statehood, or the treatment of criticism of an administration as an attack on the state.
- Obstruction of the United Nations mission, of humanitarian access, of family visits or of work on persons unaccounted for, by any party, for any reason.
- Retaliation against Moroccan nationals, Sahrawi residents or their relatives, by any party, on account of this determination.

6.3 Reservations and Review

The Sovereign instrument giving effect to this determination names the Sahrawi Arab Democratic Republic a state, declines to recognise Moroccan sovereignty over Western Sahara absent the freely expressed consent of the Sahrawi people, avoids procurement and agreements treating Western Saharan resources as Moroccan without that consent, and supports the United Nations process on the footing that independence remains a genuine option. The following are excluded from the effect of the act.

- Diplomatic relations, which DM-2026-001 leaves to a separate decision.
- Accreditation, immunity and privilege, which recognition confers on no one.
- Endorsement of any Sahrawi administration or office-holder.
- The line of control, which is divided in fact and awaits peaceful settlement, not Kaharagian declaration.
- Relations with Morocco, which are not severed, and Moroccan nationals, against whom no accusation is made.

Recognition states the Kaharagian position. It binds no other state and alters no fact on the ground.

DM-2026-001 requires review when control, borders, democratic conditions or the position of the people materially change. Five developments trigger it here: a free and genuine Sahrawi act of self-determination, whatever status it chooses, which Kaharagian policy would follow; a settlement freely agreed between the parties; material deterioration in the conduct of Sahrawi institutions, including the treatment of detainees, opponents and persons unaccounted for; evidence that Sahrawi institutions cannot refuse, renegotiate or terminate the arrangements on which they depend; and a decision of the Security Council determining the status of the Territory or addressing the recognition of any entity in it.

7. Operative Declaration

The State of Kaharagia recognises the Sahrawi Arab Democratic Republic as the sovereign state of the Sahrawi people in Western Sahara. It does not recognise Moroccan sovereignty over Western Sahara absent the freely expressed consent of the Sahrawi people. Recognition is accompanied by commitments to a peaceful United Nations process, protection of all present residents, refugee return and compensation, human-rights monitoring, and a final settlement in which independence remains a genuine option. Diplomatic relations may be established separately.

8. Publication and Legal Effect

This memorandum is a public statement of the foreign policy of the State of Kaharagia, published by authority of the Sovereign. Under Kaharagian constitutional practice, the recognition or non-recognition of a state, the recognition of a government, the establishment of a diplomatic mission, the imposition of sanctions and the entry into formal diplomatic relations remain decisions reserved to the Sovereign and implemented through the appropriate instrument. This memorandum states the grounds, scope, reservations and consequences of the policy adopted; it does not by itself confer accreditation, immunity or privilege, and the recognition it states was effected by Sovereign instrument.

This memorandum is published in the Diplomatic Memorandum Series by the Office of the Sovereign's Printer. Its serial reference shall be preserved in every separate or electronic edition. Organs of State shall conform their terminology, publications, procurement, entry decisions and official contact to the determinations recorded here. Material changes in facts, control, legal proceedings or the formally expressed position of the people concerned shall trigger review under the heading above.

Selected Authorities and Official Materials

Every authority in this list was retrieved and read in the preparation of this publication, each against the issuing body's own publication except where the entry states otherwise. Each entry gives the title, the issuing body, the date, what the source records on the points for which this publication relies on it, and a source link. Advisory opinions, judgments of the Court of Justice of the European Union and the press releases reporting them, decisions of the Security Council, recommendations of the General Assembly, advice of the Legal Counsel, reports of the Secretary-General, proposals circulated by Member States, reports of non-governmental organisations and independent reporting on the work of the Council are identified according to their actual legal character, and none is described as more than it is.

1. *Western Sahara*. International Court of Justice, Advisory Opinion, 16 October 1975. Answers the two questions put to the Court by the General Assembly. Records the finding that Western Sahara at the time of colonisation by Spain was not territory belonging to no one; that legal ties of allegiance existed between the Sultan of Morocco and some of the tribes living in the territory, and legal ties existed between the Mauritanian entity and the territory; and that the materials and information presented to the Court did not establish any tie of territorial sovereignty between Western Sahara and the Kingdom of Morocco or the Mauritanian entity, nor legal ties of such a nature as might affect the application of resolution 1514 (XV) and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory. An advisory opinion, not a judgment against a party.
<https://www.icj-cij.org/case/61>
2. *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*. International Court of Justice, Advisory Opinion, 25 February 2019. Records the finding that the detachment of 1965 was not based on the free and genuine expression of the will of the people concerned, that the decolonisation of Mauritius was accordingly not lawfully completed when it acceded to independence in 1968, and that the United Kingdom is under an obligation to bring its administration of the Archipelago to an end as rapidly as possible. An advisory opinion, which binds no state as a judgment binds the parties to a contentious case.
<https://www.icj-cij.org/case/169>
3. *Declaration on the Granting of Independence to Colonial Countries and Peoples*. General Assembly resolution 1514 (XV), 947th plenary meeting, 14 December 1960. Paragraph 5 requires immediate steps to be taken to transfer all powers to the peoples of Trust and Non-Self-Governing Territories, without any conditions or reservations, in accordance

with their freely expressed will and desire. A recommendation of the General Assembly.
[https://documents.un.org/api/symbol/access?s=A/RES/1514\(XV\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=A/RES/1514(XV)&l=E&t=pdf)

4. *Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter.* General Assembly resolution 1541 (XV), 15 December 1960. Provides that the three routes by which a Non-Self-Governing Territory reaches a full measure of self-government are emergence as a sovereign independent State, free association with an independent State and integration with an independent State, and that the wishes of the people are to be expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. A recommendation of the General Assembly.
[https://documents.un.org/api/symbol/access?s=A/RES/1541\(XV\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=A/RES/1541(XV)&l=E&t=pdf)
5. *Declaration on Principles of International Law concerning Friendly Relations.* General Assembly resolution 2625 (XXV), 1883rd plenary meeting, 24 October 1970. Provides that the territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it, and that the separate and distinct status shall exist until the people of that territory have exercised their right of self-determination; and that the establishment of a sovereign and independent State, the free association or integration with an independent State, or the emergence into any other political status freely determined by a people, are modes of implementing that right. A recommendation of the General Assembly.
[https://documents.un.org/api/symbol/access?s=A/RES/2625\(XXV\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=A/RES/2625(XXV)&l=E&t=pdf)
6. *Question of Spanish Sahara.* General Assembly resolutions 3458 A and 3458 B (XXX), 2435th plenary meeting, 10 December 1975. Resolution 3458 A reaffirms the inalienable right of the people of Spanish Sahara to self-determination and requests Spain, as the administering Power, to take immediately all necessary measures so that all Saharans originating in the Territory may exercise fully and freely, under United Nations supervision, their inalienable right to self-determination. Resolution 3458 B takes note of the tripartite agreement concluded at Madrid, reaffirms the right of all the Saharan populations originating in the Territory, and requests the interim administration to take all necessary steps to ensure that they can exercise that right through free consultations organised with the assistance of a representative of the United Nations appointed by the Secretary-General. Recommendations of the General Assembly.
[https://documents.un.org/api/symbol/access?s=A/RES/3458\(XXX\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=A/RES/3458(XXX)&l=E&t=pdf)
7. *Question of Western Sahara.* General Assembly resolution 34/37, 75th plenary meeting, 21 November 1979. Deeply deplores the aggravation of the situation resulting from the continued occupation of Western Sahara by Morocco and the extension of that occupation to the territory recently evacuated by Mauritania; urges Morocco to join in the peace process and to terminate the occupation; and recommends that the Frente POLISARIO, the representative of the people of Western Sahara, should participate fully in any search for a settlement. A recommendation of the General Assembly and not a binding decision.
<https://documents.un.org/api/symbol/access?s=A/RES/34/37&l=E&t=pdf>
8. *Question of Western Sahara.* General Assembly resolution 80/89, 55th plenary meeting, 5 December 2025, on the report of the Fourth Committee. Reaffirms the inalienable right of all peoples to self-determination and independence in accordance with the Charter and resolution 1514 (XV); recognises that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the people concerned and in conformity with the principles contained in resolutions 1514 (XV) and 1541 (XV); reaffirms the responsibility of the United Nations towards the people of Western Sahara; and requests the Special Committee on decolonisation to continue to consider the situation in Western Sahara and to report to the Assembly at its eighty-first session. A recommendation of the General Assembly.
<https://documents.un.org/api/symbol/access?s=A/RES/80/89&l=E&t=pdf>
9. *Security Council resolution 658 (1990).* 2929th meeting, 27 June 1990, adopted unanimously. Operative paragraph 2 approves the report of the Secretary-General transmitted to the Council in accordance with resolution 621 (1988), which contains the full text of the settlement proposals as accepted by the two parties on 30 August 1988 as well as an outline of the plan provided by the Secretary-General in order to implement those proposals. Paragraph 1 expresses full support for the Secretary-General in his mission of good offices, pursued jointly with the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, and paragraph 5 requests a further detailed report containing an estimate of the cost of the Mission, on the understanding that that report is to be the basis on which the Council would

- authorise the establishment of the Mission. Obtained in the Council's compilation of resolutions and decisions for 1990.
[https://documents.un.org/api/symbol/access?s=S/RES/658\(1990\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=S/RES/658(1990)&l=E&t=pdf)
10. *Security Council resolution 690 (1991)*. 2984th meeting, 29 April 1991, adopted unanimously. Expresses full support for the organisation and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, and decides to establish under the Council's authority the United Nations Mission for the Referendum in Western Sahara.
[https://documents.un.org/api/symbol/access?s=S/RES/690\(1991\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=S/RES/690(1991)&l=E&t=pdf)
 11. *Security Council resolution 1495 (2003)*. 4801st meeting, 31 July 2003, acting under Chapter VI. Supports the Peace plan for self-determination of the people of Western Sahara presented by the Personal Envoy of the Secretary-General as an optimum political solution on the basis of agreement between the two parties; reaffirms the call upon the Frente POLISARIO to release without further delay all remaining prisoners of war in compliance with international humanitarian law; and reaffirms the call upon both parties to work with the International Committee of the Red Cross to resolve the fate of persons unaccounted for since the beginning of the conflict.
[https://documents.un.org/api/symbol/access?s=S/RES/1495\(2003\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=S/RES/1495(2003)&l=E&t=pdf)
 12. *Security Council resolution 2797 (2025)*. 10030th meeting, 31 October 2025. Operative paragraph 1 extends the mandate of the Mission until 31 October 2026. The resolution expresses full support for the Secretary-General and his Personal Envoy in facilitating and conducting negotiations taking as basis Morocco's Autonomy Proposal, presented on 11 April 2007, and calls upon the parties to engage in those discussions without preconditions on that basis; operative paragraph 3 calls for a final and mutually acceptable political solution that provides for the self-determination of the people of Western Sahara; the preamble records the support expressed by many Member States for that proposal and affirms that genuine autonomy under Moroccan sovereignty could constitute a most feasible solution; and the Council requests a strategic review of the Mission's future mandate within six months. The resolution calls upon no state to withhold recognition, declares no entity legally invalid and determines the status of no territory.
[https://documents.un.org/api/symbol/access?s=S/RES/2797\(2025\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=S/RES/2797(2025)&l=E&t=pdf)
 13. *Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council (S/2002/161)*. Circulated 12 February 2002; signed Hans Corell. Paragraph 5 records that Spanish Sahara was included in 1963 in the list of Non-Self-Governing Territories under Chapter XI of the Charter, and that beginning in 1962 Spain as administering Power transmitted technical and statistical information on the Territory under Article 73 e. Paragraph 6 records that the Madrid Agreement of 14 November 1975 transferred the powers and responsibilities of Spain to a temporary tripartite administration, that it did not transfer sovereignty over the Territory nor confer upon any signatory the status of administering Power, a status which Spain alone could not have unilaterally transferred, and that the transfer of administrative authority to Morocco and Mauritania in 1975 did not affect the international status of Western Sahara as a Non-Self-Governing Territory. Paragraph 7 records Spain's notification of 26 February 1976 that it had terminated its presence and relinquished its responsibilities, the withdrawal of Mauritania in 1979 upon the agreement of 19 August 1979, Morocco's sole administration since, and that Morocco is not listed as the administering Power and has therefore not transmitted information under Article 73 e. Paragraphs 24 and 25 record that resource activities conducted for the benefit of the peoples of Non-Self-Governing Territories, on their behalf or in consultation with their representatives, are considered compatible with the Charter obligations of the administering Power, and conclude that while the specific reconnaissance and evaluation contracts before the Council were not in themselves illegal, further exploration and exploitation proceeding in disregard of the interests and wishes of the people of Western Sahara would be in violation of the principles of international law applicable to mineral resource activities in such Territories. Advice of the Legal Counsel to an organ of the United Nations, not a judgment, and binding on no state.
<https://documents.un.org/api/symbol/access?s=S/2002/161&l=E&t=pdf>
 14. *Letter dated 11 April 2007 from the Permanent Representative of Morocco (S/2007/206)*, annexing the 'Moroccan initiative for negotiating an autonomy statute for the Sahara region'. Records the offer to the populations of the region of legislative, executive and judicial bodies with powers over local administration and police, economic development, the regional budget and taxation, infrastructure, housing, education,

health, employment, culture and environment, with representation in the national Parliament and participation in national elections; the reservation to the State of exclusive jurisdiction over the attributes of sovereignty, including the flag, the national anthem and the currency, over the constitutional and religious prerogatives of the King, over national security, external defence and defence of territorial integrity, over external relations and over the Kingdom's juridical order; the election of the Head of Government of the Region by the regional Parliament and investiture by the King; the requirement that laws, regulations and court rulings of the Region's bodies be consistent with the Kingdom's Constitution; and paragraph 27, providing that the autonomy Statute shall be submitted to the populations concerned in a free referendum which will constitute a free exercise by those populations of their right to self-determination. A proposal circulated by a Member State, not an act of the Council.

<https://documents.un.org/api/symbol/access?s=S/2007/206&l=E&t=pdf>

15. *Letter dated 16 April 2007 from the Permanent Representative of South Africa (S/2007/210)*, annexing the Frente POLISARIO proposal. Records the offer of a referendum on the format of the Peace plan supported by the Council in 2003, namely the choice between independence, integration into the Kingdom of Morocco and self-governance, with a commitment to accept the result whatever it is; and, in the event that the referendum led to independence, negotiated guarantees to Morocco and to the Moroccan population residing in Western Sahara covering their status and their participation in the political, economic and social life of the territory, mutual recognition of the sovereignty and territorial integrity of the two countries on the principle of the intangibility of borders inherited from the independence period, joint arrangements over natural resources, and Sahrawi nationality for any Moroccan citizen legally established in the territory who applies for it. A published position of a party to the conflict, circulated by a Member State.
<https://documents.un.org/api/symbol/access?s=S/2007/210&l=E&t=pdf>
16. *Situation concerning Western Sahara: Report of the Secretary-General (S/2025/612)*, 30 September 2025, submitted pursuant to resolution 2756 (2024) and covering developments since the report of 1 October 2024. Records the statement of 8 April 2025 in which the Secretary of State of the United States reiterated his Government's recognition of Moroccan sovereignty over Western Sahara and urged use of Morocco's Autonomy Proposal as the only framework; the joint communiqué of 1 June 2025 in which the United Kingdom described the Moroccan autonomy plan as the most credible, viable and pragmatic basis for a lasting resolution; that according to a national census conducted by Moroccan authorities in September 2024 covering the Territory west of the berm the population of that part had increased from approximately 450,000 to 600,000 since the previous survey in 2014; that the Minister for Foreign Affairs of Algeria continued to support the positions expressed by the Frente POLISARIO while insisting that his country did not consider itself a party to the conflict; that east of the berm the Mission conducts ground patrols accompanied by the Frente POLISARIO, that the Frente POLISARIO restricts those patrols to a distance of twenty kilometres from each team site and has not permitted helicopter reconnaissance flights since November 2020, that liaison meetings continued with Frente POLISARIO liaison officers, that the Mine Action Service maintains cooperation through the Sahrawi Mine Action Coordination Office, and that on nine separate alleged incidents the Frente POLISARIO either denied or did not confirm investigation; that two of the strikes investigated east of the berm caused civilian casualties and all caused material damage; that on 15 October 2024 the Mission investigated an artillery strike by the Royal Moroccan Army in the Mijek area and was informed by local witnesses of three deaths, two Mauritanian and one Sudanese, all reportedly artisanal gold miners; that as at 31 August 2025 twenty-four of sixty-seven known minefields and thirty-four of five hundred and forty-one recorded cluster strike areas east of the berm had yet to be cleared; that the question of persons still unaccounted for remains a major humanitarian concern and the International Committee of the Red Cross remained ready to act as a neutral intermediary; that the confidence-building measures pursuant to resolution 1282 (1999) and subsequent resolutions allowing family links between refugees in the Tindouf camps and their communities of origin remained on hold, neither party having expressed immediate interest; that approximately 36.16 million United States dollars of the nearly 104 million appealed for had been received as at the end of July 2025; that a nutrition survey conducted in May 2025 found global acute malnutrition and stunting in children at 13.6 per cent and 30.7 per cent against 10.7 per cent and 28.8 per cent in 2022, and anaemia at 68.8 per cent among women of reproductive age and 65.3 per cent among children under five; that after fifty years of displacement the refugees in the five camps near Tindouf remain dependent on humanitarian aid; that the Office of the United Nations High Commissioner for Human Rights has not been granted access to the Territory since 2015

- despite repeated requests and although the Council, most recently in resolution 2756 (2024), strongly urged enhanced cooperation with that Office, and that the lack of independent, impartial, comprehensive and sustained monitoring remained detrimental to assessment of the situation, with international observers including parliamentarians, lawyers and journalists reportedly facing entry restrictions and dozens denied entry or expelled; that the Office continued to receive reports of shrinking civic space and restrictions on freedom of expression, association and peaceful assembly amid growing surveillance, harassment and intimidation, and of the suppression of gatherings supporting self-determination with a particular impact on Sahrawi women human rights defenders; that on 20 March 2025 special procedure mandate holders sent a communication to Morocco concerning violations affecting seventy-nine Sahrawi activists and abuses linked to coastal development projects entailing large-scale land acquisition, destruction of private property and displacement, which Morocco denied in May 2025; that the Gdeim Izik prisoners remained held in prisons outside Western Sahara, that in November 2024 the Working Group on Arbitrary Detention noted that no action had been taken by Morocco to implement its opinion 23/2023 and highlighted deteriorating conditions including isolation, lack of contact with families and restricted access to medical care, and that at least one death in custody was reported; and that following the judgments of the Court of Justice of the European Union in October 2024 the Office received reports indicating that the Sahrawi population does not benefit from the exploitation by Morocco of natural resources in the Territory and stating that this is inconsistent with the principle of self-determination applicable to the people of Western Sahara. A report of the Secretary-General to the Council, not a judicial determination.
<https://documents.un.org/api/symbol/access?s=S/2025/612&l=E&t=pdf>
17. *Court of Justice of the European Union, Press Release No 170/24, 4 October 2024, on the Grand Chamber judgments in Joined Cases C-778/21 P and C-798/21 P and Joined Cases C-779/21 P and C-799/21 P, Commission and Council v Front Polisario.* Records the dismissal of the appeals in their entirety; the holding that implementation in the territory of Western Sahara of the 2019 fisheries and agricultural agreements must receive the consent of the people of Western Sahara, which is the sole holder of the right to self-determination with regard to that territory, and that such consent was not given; that the consultation process carried out before the contested decisions did not concern the people of Western Sahara but the inhabitants currently present in that territory, irrespective of whether or not they belong to that people, a significant proportion of that people now living outside the territory, a large part having been in exile since the 1970s and having found refuge in Algeria; that consent may be presumed only where the agreement gives rise to no obligation for that people and confers on it a specific, tangible, substantial and verifiable benefit deriving from the exploitation of the territory's natural resources and proportional to the degree of that exploitation, the second condition being unsatisfied because the agreements confer no rights or benefits on that people; that the Front Polisario is a privileged interlocutor in the process conducted under the auspices of the United Nations with a view to determining the future status of Western Sahara and satisfies the conditions to challenge the decisions before the Union judicature in the interests of that people; and that the decision concerning fisheries expired in July 2023 while the effects of the decision on agricultural products were maintained for twelve months. Issued by the Court's press service for media use and stated on its face not to bind the Court; the judgments are the operative acts.
<https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-10/cp240170en.pdf>
 18. *Court of Justice of the European Union, Press Release No 169/24, 4 October 2024, on the Grand Chamber judgment in Case C-399/22, Confédération paysanne, on a reference for a preliminary ruling from the French Conseil d'État.* Records the holding that the indication of country of origin on melons and tomatoes harvested in Western Sahara may designate only Western Sahara, because those goods are harvested in that territory, that the territory is separate from Morocco and is a customs territory within the meaning of Union law, and that any other indication would be likely to suggest to consumers an origin other than the territory of harvest; and the holding that a Member State may not unilaterally ban such imports, that measure falling within the exclusive competence of the Union. Records also that the majority of the territory of Western Sahara is currently controlled by Morocco, while the Front Polisario controls a smaller and very sparsely populated area in the east of that territory. A preliminary ruling interprets Union law for the referring court and does not decide the underlying dispute.
<https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-10/cp240169en.pdf>
 19. *MINURSO: Background.* United Nations Mission for the Referendum in Western Sahara. Records that the settlement proposals were accepted on 30 August 1988 by Morocco and

the Frente POLISARIO; that the referendum in Western Sahara was to take place in January 1992; that the Identification Commission was established in 1991 and that the Mission began the process of identifying potential voters in August 1994; that the Secretary-General suspended the identification process in May 1996; and that in 2004 the Identification Commission formally completed its work, transferring all the documentation to Geneva. The page carries no account of the listing of the Territory in 1963, for which this publication relies on the letter of the Legal Counsel.

<https://minurso.unmissions.org/en/background>

20. *United Nations Mission for the Referendum in Western Sahara (MINURSO)*. Official site of the Mission. Gives the Mission's full name and describes its present work as monitoring, investigating and reporting on the military activities of the parties and on general developments in Western Sahara, together with mine action and support for the political process led by the Secretary-General and his Personal Envoy.
<https://minurso.unmissions.org/>
21. *Member States: country profiles*. African Union. Lists the Sahrawi Arab Democratic Republic among the member states of the Union, in the Northern Africa region, with 22 February 1982 as the date of admission.
https://au.int/en/member_states/countryprofiles2
22. *World Report 2026: Morocco and Western Sahara*. Human Rights Watch, 2026 edition. Records the estimate of the Office of the United Nations High Commissioner for Refugees that 173,000 Sahrawi refugees were living in five camps near the south-western Algerian town of Tindouf, and that nineteen Sahrawi men known as the Gdeim Izik group remained in prison after being convicted in 2013 and 2017 of killing eleven Moroccan security force members in 2010, in trials the organisation describes as unfair and amid allegations of forced confessions and torture. A report by a non-governmental organisation; its characterisation of those trials is that organisation's own finding and not a judicial determination.
<https://www.hrw.org/world-report/2026/country-chapters/morocco-and-western-sahara>
23. *Western Sahara, April 2026 Monthly Forecast*. Security Council Report, April 2026. Independent reporting on the programme of work of the Council. Records that in early February 2026 the United States convened ministerial-level delegations from Algeria, Mauritania, Morocco and the Frente POLISARIO for direct talks in Madrid, the first time since 2019 that all had met in person; that Morocco reportedly presented a revised version of its 2007 autonomy proposal; that the United States hosted the four delegations in Washington for a further round on 23 and 24 February 2026, co-chaired by the Personal Envoy; that the Secretary-General was expected to submit a strategic review of the Mission's future mandate in April 2026; that resolution 2797 (2025) renewed the mandate of the Mission until 31 October 2026; and that the resolution was adopted with eleven votes in favour and three abstentions, by China, Pakistan and the Russian Federation, Algeria, then a member of the Council, not voting. Not an official record of the Council.
<https://www.securitycouncilreport.org/monthly-forecast/2026-04/western-sahara-16.php>
24. *Montevideo Convention on the Rights and Duties of States: text*. Signed 26 December 1933. Article 1 states the qualifications of the state as a person of international law: a permanent population, a defined territory, government, and capacity to enter into relations with the other states. Article 3 provides that the political existence of the state is independent of recognition by the other states. The text is reproduced by a university library collection and not by a depositary.
<https://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.html>
25. *Security Council resolution 541 (1983)*. 2500th meeting, 18 November 1983. Considers the declaration purporting to establish an independent state in northern Cyprus legally invalid and calls upon all States not to recognise any Cypriot State other than the Republic of Cyprus. Recorded here for the contrast with resolution 2797 (2025), which calls upon no state to withhold recognition from anyone.
[https://documents.un.org/api/symbol/access?s=S/RES/541\(1983\)&l=E&t=pdf](https://documents.un.org/api/symbol/access?s=S/RES/541(1983)&l=E&t=pdf)
26. *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*. International Court of Justice, Advisory Opinion, 19 July 2024; the obligation of all States not to recognise as legal the situation arising from Israel's unlawful presence. An advisory opinion, not a judgment. Cited only for the contrast drawn with DM-2026-010.
<https://www.icj-cij.org/case/186>



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