



WORKING FOR JUSTICE FOR THE SAHARAWI PEOPLE

For the attention of:

Mr. Brahim Benjelloun Touimi,

Executive Managing Director and Chairman of the General Management Committee of
BMCE Bank

140, Avenue Hassan II, Casablanca - Morocco

London, 22 Jan 2019

Re: BMCE Bank's presence in Western Sahara

Dear Mr Benjelloun Touimi,

We at Western Sahara Campaign UK are writing to you regarding BMCE Bank's activities in the non-self-governing territory of Western Sahara.

The bank's website states that you have a wide presence in the territory, with BMCE offices spread across the territory of Western Sahara, specifically, four offices in El-Aaiún, one in Smara, one in Boujdour and two in Dakhla.¹ According to media reports, BMCE Bank launched a support mechanism for SMEs in El Aaiún (or Lâayoune) that will be called *Club PME Laayoune by BMCE Bank*². Other reports suggest your company also signed a partnership agreement with the French Chamber of Industry and Commerce in Morocco to support companies in the framework of Morocco-Africa-Europe triangular cooperation, with a specific emphasis in the the occupied territories of Western Sahara (or 'southern provinces' in the media article).³ All the while, BMCE Bank refers to the territories of Western Sahara as being an integral part of the Kingdom of Morocco.

However, the above-mentioned SMEs project and offices are not located in Morocco, but in the area of Western Sahara that Morocco has illegally occupied since 1975. Western Sahara is regarded by the United Nations as a Non-Self Governing Territory, which still awaits decolonisation, and one without a legally accepted administering power in place. Its people, the Saharawi, have been accorded the right to self-determination - a right restated in now more than 100 UN resolutions, but the exercise thereof is continuously being blocked by Morocco. The war between the Kingdom of

¹ <https://www.bmcebank.ma/fr/nos-agences?p=178&v=>

² <https://www.le1.ma/laayoune-a-desormais-son-club-pme-bmce-bank/>

³ <https://www.lavieeco.com/news/economie/bmce-bank-of-africa-lance-un-dispositif-de-soutien-aux-pme-de-laayoune.html>



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Morocco and Frente Polisario has resulted in a military division of the territory and a ceasefire that is being monitored by the UN.

Meanwhile, Morocco continues to trample the most basic human rights of Saharawi that live under its occupation. Around 200,000 Saharawi refugees that fled during the war continue to live in inhumane conditions in Algerian refugee camps, located in the most inhospitable part of the Sahara desert.

The United Nations, the International Court of Justice and the European Court of Justice = all state that Morocco does not have any legal basis, sovereignty or international mandate to administer the territory. Legal opinions from the United Nations, as well as separate court rulings from the European Court of Justice and the High Court of South Africa also state that economic activities in Western Sahara have a paramount legal prerequisite to be fulfilled in order for trade activities inside or affecting occupied Western Sahara to be permissible under international law: consent must be sought from the Saharawi people. This means that the Saharawi people (through their internationally recognised representative, the Polisario Front) must consent to any commercial activity taking place on their occupied homeland.

Given that some of BMCE's top Corporate Social Responsibility priorities are business ethics, sustainable financing, risk management, acting in the interest of communities and supporting dialogue with your stakeholders⁴, **we would be grateful if you could provide an answer to the following questions from our organisation:**

1. Are the media reports regarding BMCE's 'Club PME Laayoune by BMCE Bank' accurate? If so, to what extent is this related to the above-mentioned cooperation agreement between BMCE and the French Chamber of Industry and Commerce in Morocco?
2. As a corollary of the internationally recognised right to self-determination of the people of Western Sahara, and given the legal requirement of obtaining the prior, free and informed consent of the people of Western Sahara with regard to activities or businesses in their land – as put forth by several UN Treaty bodies and the European Court of Justice – what steps has BMCE taken to obtain the consent of the people of Western Sahara through their political representative, the Polisario Front, to build and establish banking services or to carry out training in the financial sector in the occupied territories of Western Sahara?
3. On BMCE's website,⁵ the map of Western Sahara is merged with that of Morocco, in contradiction of UN maps and cartography. Why is this?

⁴ <https://www.bmcebank.ma/en/node/209512>

⁵ <https://www.bmcebank.ma/en/bmce-group/our-banking-group/regional-offices>



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4. Does BMCE Bank agree that Western Sahara is not part of Morocco, and that Western Sahara is a separate and distinct territory, under an ongoing peace and decolonisation process (in line with the World Bank and the German Bank for Development, KfW)?
5. How has BMCE assessed the ethical and legal risks involved in developing and maintaining a business presence (in the financial industry or otherwise) on occupied land?

Western Sahara Campaign UK is convinced that it is not in the interest of BMCE Bank to become associated with the continued colonisation and occupation of Western Sahara, neither by running financial services in the occupied territory, nor launching training initiatives that will help to legitimise the Moroccan military occupation of the territory, and will thus hinder the peace process.

A copy of this letter was today sent to EBRD.

We look forward to hearing from you,

Yours sincerely,

Beccy Allen
Committee Member
Western Sahara Campaign UK
www.wsahara.org.uk
