

(Translated from Arabic)

Permanent Mission of the Kingdom of Morocco

Geneva

Reply of the Moroccan authorities to joint communication No. AL MAR 6/2025.

Joint communication No. 2025/6 AL MAR was received from the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Working Group on Arbitrary Detention; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; and the Special Rapporteur on the human rights to safe drinking water and sanitation. The Moroccan authorities hereby submit the following observations and explanations in regard of that communication, which concerns the activities of the company SOMAGEC on the island of Annobón in the Republic of Equatorial Guinea:

1. The Moroccan authorities wish to emphasize their complete openness and their desire to engage in constructive cooperation with the special procedures mechanism of the Human Rights Council. This is to take place within a framework of objectivity, good faith and impartiality, which are fundamental principles for supporting and encouraging States to promote and advance respect for human rights.
2. The Moroccan authorities have taken note of the contents of the joint statement, which was also addressed to the management of SOMAGEC and the authorities of Equatorial Guinea and which contains allegations relating to the company's activities on the Guinean island of Annobón. Morocco would like to draw the attention to the fact that – under the principle of State sovereignty and non-interference in internal affairs, as well as territorial and functional jurisdiction – it is not concerned with those allegations.
3. The Moroccan authorities also wish to make it clear that the economic activities carried out by SOMAGEC on the island of Annobón in the Republic of Equatorial Guinea are governed by mutual agreements and obligations entered into by that company and the Government of the Republic of Equatorial Guinea, in accordance with that country's own national law. In this context, although the Moroccan authorities understand that the communication has been addressed to them in the light of their relationship with the company concerned, a question mark remains over the link

between the mandates on the situation of human rights defenders, on freedom of peaceful assembly and of association, on minority issues and on arbitrary detention, and the allegations contained in the joint communication, which do not in any case concern the Moroccan authorities and for which they are not responsible

4. Available data show that SOMAGEC is a civil engineering firm that has its headquarters in Morocco. It was founded in 1967 and is a joint stock company duly recorded in the commercial register of the commercial court of first instance in Casablanca. It operates in the private sector in the field of infrastructure, port development and marine works, and its activities include hydropower, the construction of dams and sea canals, public works, civil engineering, roads, renewable energy, sanitation and quarrying. With its technical expertise, human resources and modern equipment, it has contributed to a number of recent infrastructure projects in Morocco. These projects, which are consistent with international standards, have served to enhance national competitiveness in the areas concerned. The company also engages in economic development activities and infrastructure projects across the African continent, including in Equatorial Guinea.

5. Businesses now play an important role as economic actors and as spaces in which economic, social, cultural and environmental rights are exercised, particularly as concerns obligations towards workers vis-à-vis equality, the right to strike, union membership, employment, social protection, etc. In that context, the adoption of the United Nations Guiding Principles on Business and Human Rights in 2011 represented a dynamic global shift. Moreover, there are ongoing efforts and negotiations to draft a binding agreement on business and human rights, and recommendations continue to emerge from discussions at the United Nations Forum on Business and Human Rights. In the light of this, Morocco has spared no effort to strengthen legal and judicial protection for human rights in the context of business activities and to ensure that any injured parties have access to effective judicial and non-judicial remedies. At the same time, the State has been working to adopt a national plan of action for business and human rights, using a participatory approach that involves all stakeholders from government, parliament, the private sector, trade unions, national governance and human rights institutions and civil society organizations.

6. Morocco is engaged with and contributes to international and regional initiatives aimed at establishing a culture for the promotion and protection of human rights in the world of business. The most recent initiative in this regard was an Arab-African forum on business and human rights held in Marrakech in June 2025, the outcomes of which were shared at the fifty-ninth session of the Human Rights Council, held in Geneva from 16 June to 19 July 2025. Prior to that, a regional parliamentary conference on human rights and business in North Africa and the Middle East was held in December 2017, culminating in the Rabat Declaration on Human Rights and Business.

7. As concerns the safeguards enshrined in Moroccan law concerning business activities and their impact on human rights and on environmental protection and sustainable development, it should be noted that Morocco has accorded constitutional status to human rights, including the right to a healthy environment and to sustainable development. The country has also developed a comprehensive legal, procedural and institutional framework for environmental protection and conservation, in line with international treaties and United Nations principles.

8. Attention should be drawn, in this regard, to a body of national laws regulating environmental protection and the impact of the activities of public legal entities, local authorities and businesses on the right to a healthy environment and to sustainable development. The most significant of these are Organic Act No. 99.12, which constitutes a national charter for the environment and sustainable development,¹ Act No. 12.03 on environmental impact studies,² and Act No. 49.17 on environmental assessments.³

9. In the same vein, a number of measures have been put in place to promote respect for the right to a healthy environment and to sustainable development, and to reduce the adverse impact of business activities on human rights. These focus on promoting the protection and conservation of natural resources, the environment, biodiversity and cultural heritage; preventing and combating pollution and degradation; integrating sustainable development into public-sector policies; adopting a national strategy for sustainable development; and strengthening measures to mitigate and adapt to climate change and to combat desertification. The measures taken also focus on institutional, economic, financial and cultural reforms in environmental governance; on defining the respective obligations of the State, local authorities, public enterprises, State-owned companies, private companies, civil society associations and citizens in the field of environmental protection and sustainable development; and on establishing a system for environmental responsibility and sustainable development.

10. It should also be noted in the same context that, since 2014, Morocco has had a national contact point for the Guidelines for Multinational Enterprises on Responsible Business Conduct of the Organisation for Economic Co-operation and Development (OECD). The contact point engages with such enterprises and encourages them to implement the Guidelines effectively by promoting awareness and responding to requests for information. The contact point also acts as intermediary to resolve issues and problems that might arise in the event that a multinational enterprise fails to comply with the Guidelines. Lastly, the contact point also drafts an annual report on its activities, which it submits to the OECD Investment Committee.

¹ Official Gazette No. 6240, dated 18 Jumada I A.H. 1435 (20 March A.D. 2014), p. 3194.

² Official Gazette No. 5118, dated 18 Rabi' II A.H. 1424 (19 June A.D. 2003), p. 1909.

³ Official Gazette No. 6908, dated 23 Dhu al-Hijjah A.H. 1441 (13 August A.D. 2020), p. 4346.

11. For its part, the General Confederation of Moroccan Enterprises – being the official representative of the private sector before State authorities and social and institutional partners, and itself part of the national contact point for responsible business conduct – is committed to promoting principles of accountability and transparency, preventing all forms of discrimination and upholding respect for fundamental labour rights. To this end, the General Confederation runs ongoing awareness-raising sessions on the Guiding Principles on Business and Human Rights. It has also developed identification mechanisms such as a “social responsibility label for businesses” and a “small and medium-sized business label”, and it has rolled out governance assessment tools which have enabled a number of national firms to embrace best practices with a view to continuous development and the promotion and dissemination of human rights within their own structures.