

**Security Council**

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**Letter dated 15 October 2019 from the Permanent Representative of Namibia to the United Nations addressed to the President of the Security Council**

I should be grateful if you would have the present letter and its annex, a letter from Brahim Ghali, the Secretary-General of the Frente POLISARIO, to the Secretary-General of the United Nations containing the views of the Frente POLISARIO on the report of the Secretary-General on the situation concerning Western Sahara ([S/2019/787](#)), issued as a document of the Security Council.

(*Signed*) Neville **Gertze**  
Ambassador  
Permanent Representative



## **Annex to the letter dated 15 October 2019 from the Permanent Representative of Namibia to the United Nations addressed to the President of the Security Council**

The Frente POLISARIO takes note of the report of the Secretary-General on the situation concerning Western Sahara (S/2019/787), submitted to the Security Council on 2 October 2019, and I would like to place on the record our views regarding several elements contained in the report.

Like the Secretary-General, the Frente POLISARIO firmly believes that the success of the United Nations Mission for the Referendum in Western Sahara (MINURSO) “depends in large measure on the commitment of the two parties to support and facilitate the implementation of the Mission’s mandate, to accept and implement its findings and to respect its independence and impartiality” (S/2019/787, para. 80). As the Secretary-General’s report underlines, however, Morocco has consistently failed to demonstrate such commitment. The unacceptable, long-standing restrictions imposed by Morocco on MINURSO seriously undermine the credibility, impartiality and independence of the Mission. It is imperative that the Security Council take urgent steps to end Morocco’s obstructionism and ensure that MINURSO operates in line with the basic standards and general principles applicable to all United Nations peacekeeping operations. MINURSO cannot be an exception to the established United Nations peacekeeping rules. We would like to underscore that, instead of highlighting some ancillary elements of the Mission’s mandate, attention should always be given to the fact that the primary mandate of MINURSO and its *raison d’être*, as established in relevant Security Council resolutions, is the holding of a free and fair referendum on self-determination for the people of Western Sahara.

Nowhere is Morocco’s obstructionism on fuller display than with respect to its role in the United Nations-led peace process. Since the resignation of the Personal Envoy of the Secretary-General, Horst Köhler, Morocco has done its utmost to sap the momentum created over the past months and to entrench the status quo. Of particular concern is that Morocco has been permitted to unilaterally influence the process of appointing a new Personal Envoy through a set of preconditions and vetoes on specific candidates. Such actions undermine seriously the impartiality and fairness of the United Nations-led peace process itself. While we have not been consulted on the Personal Envoy nomination process, we underline that it is the role of the United Nations – and the United Nations alone – to appoint a competent, independent Envoy and not to allow any party to influence the process. As we underscored in our letter (S/2019/795, annex), we will not – and the United Nations must not – allow the United Nations-led peace process, including the process of appointing a new Personal Envoy, to be held hostage to the preconditions or dictates of Morocco. Furthermore, we categorically reject the preconditions imposed by Morocco on the Personal Envoy nomination process, and we underline that we will not engage in any political process resulting from such preconditions.

Morocco’s destabilizing actions have not, however, been confined to the political process. Morocco continues to impose “the use of Moroccan vehicle number plates on MINURSO vehicles west of the berm, in contravention to the status-of-mission agreement” (S/2019/787, para. 58), and it insists on affixing Moroccan stamps on the passports of MINURSO personnel upon their entry to and exit from Western Sahara. No less worrying, Morocco refuses to allow MINURSO “access to any local interlocutors west of the berm, which has an impact on its capacity to collect reliable information and assess and report on the situation across its area of responsibility” and “handicaps MINURSO in the implementation of its mandate” (S/2019/787, para. 56). These actions are unacceptable practices that undermine the

impartiality, independence and credibility of MINURSO and the United Nations itself, and they should be addressed once and for all.

The report points out that “the building tension in Guerguerat represents a challenge to the Mission’s operations and security, and a potential threat to the stability of the Territory” (S/2019/787, para. 60). The report goes on to state that “the increasing commercial traffic across the buffer strip and the growing civilian activities to impede it are creating tensions in that sensitive area”, and calls for “regular civilian and commercial traffic not to be obstructed” and for “both sides to refrain from any deliberate actions at Guerguerat, or anywhere else in the buffer strip” (S/2019/787, para. 83). Regrettably, the report fails to provide the Security Council with a full and accurate view of the situation in Guerguerat and the buffer strip.

First, the report does not mention that the breach that Morocco opened in Guerguerat across the Moroccan military wall did not exist at the time of the entry into force of the ceasefire on 6 September 1991. It did not exist either when military agreement No. 1 was signed between MINURSO and the Frente POLISARIO on 24 December 1997. Neither of the two agreements included any provisions authorizing the creation of breaches or crossing points for “commercial traffic” or other civilian activities along the Moroccan military wall. The breach was negotiated neither between the two parties nor between the parties and the United Nations. Second, the report fails to clarify that Moroccan military forces are the ones exclusively responsible for controlling the entry and exit points at the illegal breach across the Moroccan military wall in Guerguerat, and that the “individuals and small groups” referred to in paragraph 4 of the report were coming from or through the occupied territories of Western Sahara.

The Frente POLISARIO reaffirms that it has no military or civilian presence in the buffer strip in Guerguerat. It is the Moroccan military forces that should be held accountable for the instability and tension in the area. The Frente POLISARIO further underscores that the root cause of the growing tension in Guerguerat is the existence of the illegal breach resulting from a unilateral change of the status quo by Morocco in that area, which the United Nations Secretariat and the Security Council should immediately have dealt with in a robust and decisive manner. The existence of the breach through which alleged “commercial traffic” crosses the buffer strip undermines the very concept and rationale of the buffer strip and represents a persistent violation of military agreement No. 1 and the spirit of the peace plan.

The Frente POLISARIO has not given its consent to any “commercial traffic” to pass through the region, and we will under no circumstances accept any attempt by the occupying Power, Morocco, or any third party to normalize the illegal situation in Guerguerat or any other part of occupied Western Sahara. We therefore call on you and on the Security Council to assume your respective responsibilities to close this illegal and provocative breach, which is jeopardizing not only the situation in the buffer strip, but also the very basis on which the United Nations peace process, including the ceasefire and military agreement No. 1, had been agreed by both parties and endorsed by the Security Council.

No one has had to suffer more from Morocco’s intransigence than the Sahrawi people living in the occupied territories. As elaborated in paragraphs 68 and 69 of document S/2019/787, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has received numerous reports demonstrating a “continued pattern of restrictions” imposed by Moroccan authorities on the fundamental human rights of Sahrawi civilians living in occupied Western Sahara. This includes the brutal suppression of Sahrawis’ freedom of expression, peaceful assembly and association; the regular harassment and arbitrary arrest of journalists, lawyers, bloggers and human rights defenders; and subjecting Sahrawi prisoners, including the Gdeim Izik

group of prisoners, to torture, ill-treatment, medical neglect and deportation. The Secretary-General's report fails to mention, however, that such abuses are mounting at an alarming rate, and that the fate of dozens of Sahrawi prisoners and disappeared remain unaccounted for in addition to the many people who were denied access to or expelled from the Territory by Moroccan authorities.

The pattern of human rights abuses in occupied Western Sahara underscores the need for independent human rights monitoring. We share and echo the Secretary-General's observation that "independent, impartial, comprehensive and sustained monitoring of the human rights situation is necessary to ensure the protection of all people in Western Sahara" (S/2019/787, para. 86). Morocco cannot be expected to monitor or report on its own abuses in the very Territory that Morocco illegally occupies. In this respect, the letter Morocco submitted to the Secretary-General "providing 'information concerning the efforts and achievements of the Kingdom of Morocco for the promotion and protection of human rights and fundamental freedoms'" (see S/2019/787, para. 70) lacks credibility, runs contrary to the basic rules of international humanitarian law and represents a serious breach of the legal status of Western Sahara as a Non-Self-Governing Territory. Given the persistent systematic human rights abuses perpetrated by Moroccan authorities against the Sahrawi people, we cannot understand why the MINURSO mandate is not expanded to include a human rights component that would enable the independent and sustained monitoring of the human rights situation in Western Sahara – as is the case in all other United Nations peacekeeping missions.

We also cannot understand why more is not done to hold Morocco to account for its role in human trafficking and drug smuggling. While the Secretary-General's report notes the increase in human trafficking and migrants to Europe via Western Sahara (S/2019/787, para. 47), it neglects to mention the source of the drug smuggling and trafficking or the routes of illegal migration and Morocco's role therein. Morocco is the world's largest producer and exporter of cannabis, as confirmed by many international reports, including the 2018 *International Narcotics Control Strategy Report* of the United States Department of State and the *World Drug Report 2019* of the United Nations Office on Drugs and Crime. Due to the well-documented connivance between Moroccan military and drug lords, tons of Moroccan-produced cannabis and other illegal drugs are smuggled every year across the Moroccan military wall in addition to hundreds of migrants. Over the past decade, the illegal trafficking of Moroccan drugs has also become a primary source of funding for transnational terrorist and organized crime groups operating in the Sahel-Sahara region. Morocco therefore should explain to the United Nations and the international community how it is possible that illegal migrants, drugs and human traffickers are able to pass through Western Sahara, which is entirely encircled by one of the most heavily manned, guarded and militarized walls in the world, which is infested with millions of landmines and equipped with sophisticated radar and surveillance systems.

In conformity with our obligations as an African Union member State, our enhanced anti-drug-trafficking operations throughout the Sahrawi Liberated Territories, along with our growing cooperation with our neighbours, are curbing the illicit flow of drugs into and within our region. MINURSO has often been invited to witness the destruction of large quantities of Moroccan drugs seized by our military forces. We strongly urge you and the Security Council to compel Morocco to uphold its regional and international obligations and to desist from its destabilizing actions that are threatening the security and stability of its neighbours and the whole region.

The relationship and interaction between MINURSO and the Frente POLISARIO continue at numerous levels, and we remain committed to continuing our full and constructive cooperation with the Special Representative of the Secretary-General for Western Sahara and Head of MINURSO. However, just as the

Frente POLISARIO cannot accept Morocco's dictates with respect to the political process or the status of the occupied Territories, neither can we accept Morocco's dictates as to where or how we should meet with the MINURSO civilian and military leadership. The position of the Frente POLISARIO regarding this issue, which we have reiterated on several occasions, is very clear and is based on sound legal basis. The mission area of MINURSO, which includes the Territory of Western Sahara within its internationally recognized borders, is clearly established by the relevant agreements accepted by both parties and approved by the Security Council. For this reason, the Special Representative and Head of the Mission and other senior officials of the Mission should in fact be able to meet with the Frente POLISARIO at any location within the boundaries of the Territory, particularly the areas of Western Sahara under the Frente POLISARIO's effective control.

The notion that the Frente POLISARIO cannot meet with the MINURSO leadership in our own Territory over which the United Nations does not recognize any *de jure* or *de facto* Moroccan sovereignty is unjustifiable, excessive and dangerous. After all, if meeting the leadership of the Frente POLISARIO in the Sahrawi Liberated Territories "would constitute a recognition of Frente POLISARIO control over the Territory east of the berm" (S/2018/889, para. 52), which had been effective even before the ceasefire came into effect in 1991, then certainly meeting Moroccan officials in El Aaiún (Laayoune) – the capital of occupied Western Sahara – or at any other location in the Territory risks the appearance of recognizing Morocco's illegal annexation of our Territory. Furthermore, "long-standing practice" cannot override established legal rules, and therefore Morocco's policy of blackmail on this issue should be confronted robustly.

We are of the same view that a solution to the question of Western Sahara is possible based on the free and democratic exercise of the Sahrawi people of their inalienable rights in accordance with relevant General Assembly and Security Council resolutions. History has demonstrated that only solutions that abide by the precepts of international legality and respect peoples' legitimate rights and aspirations could be durable and sustainable.

The situation in Western Sahara is indeed increasingly tense. The political process is blocked, and tensions are rising. If Morocco persists in dictating the terms of the political process and the role of the United Nations in Western Sahara, there is a real risk that the entire process and the ceasefire itself will collapse. It is therefore imperative that the United Nations – including both the Office of the Secretary-General and the Security Council – does not take any steps which would sap the momentum from the political process or risk a return to "business as usual" on Western Sahara. We hope that the upcoming renewal of the MINURSO mandate will be another opportunity for the Security Council to renew its strong and active support for the United Nations peace process and the resumption of direct negotiations between the Frente POLISARIO and Morocco, with a view to achieving a peaceful and lasting solution, which will fully ensure the right of our people to self-determination and independence.

*(Signed)* Brahim **Ghali**  
Secretary-General of the Frente POLISARIO