



Security Council

Distr.: General
9 October 2020

Original: English

Letter dated 7 October 2020 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

I would like to share with you a letter that was addressed from Brahim Ghali, President of the Sahrawi Arab Democratic Republic and Secretary-General of Frente POLISARIO, to the Secretary-General of the United Nations, concerning recent developments relating to Western Sahara (see annex).

I should be grateful to have the present letter and its annex issued as a document of the Security Council.

(Signed) Jerry Matthews **Matjila**
Ambassador
Permanent Representative



Annex to the letter dated 7 October 2020 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

Frente POLISARIO takes note of the report of the Secretary-General of the United Nations on the situation concerning Western Sahara (S/2020/938), submitted to the Security Council on 23 September 2020, and we would like to place on record our views regarding several elements contained in the report.

Frente POLISARIO does not share with the Secretary-General his assessment that “overall calm prevailed in Western Sahara” (S/2020/938, para. 2) and that “the situation in Guerguerat remained calm overall” (S/2020/938, para. 12). The fact remains that the situation in the Territory is far from being calm, particularly in the Territories of Western Sahara under the illegal occupation of Morocco.

How could the situation be calm when the Moroccan occupying authorities are intensifying their repressive and terrorizing actions against Sahrawi civilians and continue to restrict their rights to freedom of expression, peaceful assembly and association in occupied Western Sahara, as briefly outlined in the report (S/2020/938, para. 69)? How could the situation be calm when, at the time of writing, the Moroccan security forces are putting a group of Sahrawi human rights activists under siege and subjecting them to all sorts of physical and psychological violence mainly for having established a body whose objective is to peacefully resist the Moroccan illegal occupation and defend the basic human rights of the Sahrawi people, including their right to self-determination and independence?

How could the situation be calm when the continued illegal presence and activities of the Moroccan army in the buffer strip in Guerguerat are fuelling more tension in the area and seriously endangering the ceasefire? After all, how could the situation be calm when the Moroccan occupying authorities persist aggressively in their attempts to forcibly consolidate their illegal occupation through luring foreign entities into opening “consulates general” (S/2020/938, para. 6) in occupied Western Sahara, among other things? The situation in the Territory, particularly in the Territories of Western Sahara under the Moroccan illegal occupation, remains alarmingly unstable, and we regret that the report does not give a full account of the situation there. What is even worse is that all the unlawful and destabilizing actions carried out by the Moroccan occupying authorities are taking place under the very eyes of the United Nations Mission for the Referendum in Western Sahara (MINURSO) that chooses to look the other way.

The criticism expressed by Frente POLISARIO regarding MINURSO and the United Nations, which is referred to in the report, is justified and is not only related to “the lack of progress in the political process” (S/2020/938, para. 54). MINURSO has not only failed so far to implement the mandate for which it was established by Security Council resolution 690 (1991) but it has also become a passive bystander of Morocco’s annexationist actions aimed at forcibly entrenching and “normalizing” its illegal occupation of parts of Western Sahara. Moreover, the United Nations has repeatedly failed to act robustly to end Morocco’s deliberate attempts to undermine the MINURSO mandate and to reduce it to ceasefire monitoring, and thus to transform the Mission into a “firefighter” and a maintainer of the status quo. This utterly unacceptable situation, among many other things, was the reason that compelled Frente POLISARIO to take its decision of 30 October 2019 regarding the reconsideration of our engagement in the United Nations peace process in its entirety. As long as this situation persists, Frente POLISARIO will not engage in any process that is not in line with the parameters of the mandate for which implementation

MINURSO was established by the Security Council in its resolution [690 \(1991\)](#) of 29 April 1991.

The systematic human rights violations to which the Sahrawi people in occupied Western Sahara are subjected by the Moroccan occupying authorities are still a cause of great concern to us. Sahrawi civilians are constantly subjected to arbitrary arrest, torture, illegal detention, sham trials, extrajudicial killings, and forced disappearance. The situation described in paragraphs 68 and 69 of the report ([S/2020/938](#)) is just a fraction of the gross human rights violations that are being perpetrated by the Moroccan security forces away from international scrutiny owing to the strict media blackout and the military blockade imposed on occupied Western Sahara, where a climate of fear and suffering prevails. Moreover, the report fails to mention that such violations 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 the Moroccan occupying authorities.

Morocco is an occupying power of Western Sahara, and it cannot be expected to report on its own abuses in the very Territory that it has illegally occupied since 31 October 1975. In this respect, the letter that Morocco submitted to the Secretary-General providing “information concerning the ‘daily promotion and protection of human rights and fundamental freedoms’ in the Territory” ([S/2020/938](#), 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. The concern expressed in the report regarding the Mission’s lack of access to Sahrawis in occupied Western Sahara that has “severely limited its ability to independently [if it is really willing to do so] collect reliable situational awareness information and to assess and report on developments across its area of responsibility” ([S/2020/938](#), para. 55) is a long-standing issue. However, it is hard to understand why nothing has been done about it. Given the persistent systematic human rights violations perpetrated by Moroccan authorities against the Sahrawi people, we also cannot understand why the MINURSO mandate is not expanded to include a human rights component that would enable the “independent, impartial, comprehensive and sustained monitoring of the human rights situation” in the Mission area, as called for repeatedly by the Secretary-General in his previous reports.

Morocco continues to request that “MINURSO use Moroccan vehicle number plates” in contravention of the status-of-mission agreement with the United Nations ([S/2020/938](#), para. 57), and it insists on affixing Moroccan stamps on the passports of MINURSO personnel upon their entry to and exit from occupied Western Sahara. As we have underscored on numerous occasions, these unacceptable, long-standing restrictions imposed by Morocco on MINURSO continue to 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 United Nations peacekeeping operations. MINURSO cannot be an exception to the established United Nations peacekeeping rules.

The report points out that “the status of the buffer strip as a demilitarized zone remains a cornerstone of the ceasefire in Western Sahara” ([S/2020/938](#), para. 82). It is therefore crucial that the United Nations assume its responsibility and ensure that Morocco immediately closes the illegal breach that it has opened in its military wall across the buffer strip in Guerguerat in south-west Western Sahara. In this respect, Frente POLISARIO underscores once again that the Moroccan illegal breach in Guerguerat did not exist at the time of the entry into force of the ceasefire on 6 September 1991. It also did not exist when military agreement No. 1 was signed between MINURSO and Frente POLISARIO on 24 December 1997, and between

MINURSO and Morocco on 22 January 1998. Neither of the two agreements included any provisions authorizing the creation of breaches or crossing points for civilian and other activities along the Moroccan military wall. The breach, which constitutes a unilateral change of the status quo in the buffer strip, was negotiated neither between the two parties nor between the two parties and the United Nations. The existence of the Moroccan illegal breach consequently 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. Therefore, the Moroccan illegal breach must be closed without further delay because it is endangering not only the situation in the buffer strip but also the ceasefire itself.

The report expresses concern “about the increased reports of the presence of drug smugglers and other criminal elements in Western Sahara, which both parties demonstrated commitment to countering” (S/2020/938, para. 83). We cannot understand, however, why the report reports only “one major counter-narcotics operation” (S/2020/938, para. 34) among several anti-drug operations conducted by the Sahrawi Army in which large quantities of Moroccan-produced drugs were destroyed in the presence of MINURSO military observers.

We also cannot understand why more is not done to hold Morocco to account for its role in human trafficking and drug smuggling. Morocco remains the world’s largest producer and exporter of cannabis, as confirmed by many international reports, including the 2020 *International Narcotics Control Strategy Report* of the United States Department of State and the *World Drug Report 2020* of the United Nations Office on Drugs and Crime. As we have alerted on numerous occasions, the well-documented complicity between the Moroccan military and drug lords and mafias is what explains how tons of Moroccan-produced cannabis are frequently smuggled across the Moroccan illegal military wall in Western Sahara. 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.

When talking about the African Union, the report refers to the decision taken at the Nouakchott summit (S/2020/938, para. 72) regarding Western Sahara. However, the report fails, for the fourth consecutive time, to inform the Security Council that Morocco still refuses to allow the African Union Observer Mission to return to Western Sahara and resume its collaboration with MINURSO. Morocco’s refusal represents a violation of the Assembly of the African Union decision (Assembly/AU/Dec.693(XXXI)), which requested the Chairperson of the Commission to initiate the required consultations for the reactivation of the African Union Office to MINURSO in El Aaiún in order to facilitate operational coordination with the United Nations.

The relationship and interaction between MINURSO and Frente POLISARIO continue at numerous levels, including regular contact with the Special Representative of the Secretary-General for Western Sahara and Head of MINURSO. Frente POLISARIO remains committed to engaging constructively with MINURSO within the context of the agreements reached with the Mission in fulfilment of its mandate as established by the Security Council. However, Frente POLISARIO cannot accept any dictates as to where or how it should meet with MINURSO civilian and military leadership. The position of Frente POLISARIO regarding this issue, which we have reiterated on several occasions, is abundantly clear and is based on a sound legal foundation. The Mission area of MINURSO, which includes Western Sahara within its internationally recognized borders, is clearly established by the relevant agreements accepted by both parties and approved by the Security Council.

It is therefore utterly unacceptable that, because of fear of reprisals by Morocco and the latter’s continued policy of blackmail on this issue, the Special Representative

and Head of MINURSO and other senior civilian and military officials of the Mission cannot meet with Frente POLISARIO at any location within the boundaries of the Territory, particularly the Liberated Territories of Western Sahara administered by Frente POLISARIO. Furthermore, it is on record that former Special Representatives, including Sahabzada Yaqub Khan of Pakistan, Julian Harston of the United Kingdom and Wolfgang Weisbrod-Weber of Germany, among others, had visited the Liberated Territories of Western Sahara and held meetings with Frente POLISARIO senior officials mainly in Tifariti, in addition to other sites. This fact demonstrates that the repeatedly cited argument of the “long-standing practice” (S/2020/938, para. 50) is untenable and thus unacceptable.

The report points out that “finding a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara in accordance with resolutions 2440 (2018), 2468 (2019) and 2494 (2019) continues to require strong political will from the parties, and from the international community” (S/2020/938, para. 77). The guidelines provided by the Security Council as to the nature of the solution to the conflict in Western Sahara for which MINURSO was established are not only limited to the cited Security Council resolutions. Moreover, the Security Council has always reaffirmed all its previous resolutions on Western Sahara, including in its resolution 2494 (2019) of 30 October 2019. The statement that “MINURSO was able to continue conducting its primary mandated task of monitoring the ceasefire” (S/2020/938, para. 89) is therefore a reductive interpretation that is supported neither by Security Council resolutions as an integrated whole nor by the letter and spirit of the peace plan, which unequivocally establish the primary mandate of MINURSO and its *raison d’être* as that of the holding of a free and fair referendum on self-determination for the people of Western Sahara.

In closing, we would like to underline that the situation in Western Sahara, particularly in the Territories of Western Sahara under the Moroccan illegal occupation, remains alarmingly unstable. The political process is completely paralysed, and the Moroccan occupying authorities persist in their attempts to undermine the MINURSO mandate and to fuel more tension in the Territory. The Sahrawi people have lost faith in the United Nations and its Mission that has regrettably become a passive bystander to these unlawful actions that aim to consolidate Morocco’s illegal occupation of parts of our Territory that remains a Non-Self-Governing Territory on the United Nations agenda.

The Security Council is expected to adopt a resolution on the renewal of the MINURSO mandate by the end of the month. The only way forward therefore is to take serious, practical actions with a view to creating the necessary conditions for MINURSO to implement the primary mandate for which it was originally established, namely the holding of a free and fair referendum whereby the people of Western Sahara would exercise freely and democratically their inalienable right to self-determination and independence, thus bringing to a successful conclusion the decolonization of the last colony in Africa.

I would be grateful if you would bring the present letter to the attention of the members of the Security Council.

(Signed) **Brahim Ghali**
President of the Sahrawi Arab Democratic Republic
Secretary-General of Frente POLISARIO