



Freiheit für die Westsahara e.V.

**H. E. Ambassador Christoph Heusgen
Permanent Representative of Germany
to the United Nations in New York**

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- Vorstand -

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Excellency,

As representatives of human rights organisations, civil society and solidarity groups from Germany, we are writing to ask you and all Members of the Security Council to take the necessary measures for a fair and timely peace settlement in Western Sahara!

In the run-up to the UN Security Council vote on the renewal of the MINURSO mandate, this is of particular relevance: The faltering political process of decolonisation of Western Sahara must be set in motion as soon as possible, to put an end to Morocco's illegal occupation and reach a peaceful solution to the conflict, in accordance with the right of the Sahrawi people to self-determination.

Over the past year the Council has, in our view, abdicated its responsibilities to the Saharawi people.

The failure of the UN to appoint a new Personal Envoy of the Secretary General to Western Sahara, following the resignation of Horst Köhler in May 2019, has exacerbated the diplomatic paralysis of the peace process.

The absence of a credible political process has led to the worsening situation in the occupied territory. There is growing instability; a worsening crackdown on freedom of information, on freedom of assembly, and on freedom of movement; and attacks on Saharawi women.

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Political prisoners are held in Moroccan prisons far away from their families, where they are, at best, subjected to insults and denied yard exercise, medical care and the reading of books.

All this constitutes a violation of international human rights.

The Saharawi people's right to self-determination remains unrealised despite the presence of MINURSO, which was established to organise a referendum on self-determination.

Morocco continues to test the patience of the Saharawi people by obstructing the peace process and significantly exacerbates the situation.

Despite increased human rights violations by Morocco, MINURSO still has no mandate to monitor and report on human rights in the territories of Western Sahara.

Morocco continues to violate the ceasefire and Military Agreement No. 1 through its illegal breach in Guerguerat.

The UN, to keep to its founding principles, should follow a robust peace process leading to a just and lasting solution based on the full respect for the right of the Saharawi people to self-determination.

We see the following issues:

Political Process

While serving as the Personal Envoy of the Secretary General to Western Sahara, Horst Köhler made significant progress in breaking the diplomatic deadlock by organising roundtable meetings of the parties to the conflict, including Morocco, the Frente POLISARIO, Algeria and Mauritania. Conflict specialists at the International Crisis Group identified these meetings as a "resolution opportunity" for the conflict. However, since Horst Köhler resigned in May 2019 no further progress has been made towards a political agreement and no further roundtable meetings have been held. This has resulted in a standstill of the political process, which Morocco has used to establish consulates in Dakhla and El Aaiun or carry out international events in these cities in the territory of Western Sahara.

Despite self-determination being a fundamental component of MINURSO's mandate, Morocco insists that it would not recognise the legitimacy of any vote that has independence as an option. Of course, this contrasts with the insistence of Moroccan ministers that many Saharawi favour Moroccan rule. In reality, Saharawi living in occupied Western Sahara face repression, human rights abuses and economic inequality. The UN must empower MINURSO to stand up to the ongoing intimidation by Morocco.

Human Rights

While the human rights abuses committed by Moroccan forces in Western Sahara are disturbing and unacceptable in their own right, they also threaten the work of MINURSO and hinder a peaceful resolution of the conflict by deepening mistrust of Morocco and perpetuating a climate of fear among the Saharawi people. It continues to be deeply concerning that MINURSO is not mandated to monitor human rights in the territory or even to protect the population. Ensuring the protection of the Saharawi people and their rights would directly advance MINURSO's core mandate. Therefore, we once again highlight the need for MINURSO to be granted a legal mandate to monitor human rights in all territories of Western Sahara: those occupied by Morocco, the liberated territories and the refugee camps in Tindouf.

One of the most serious human rights violations that Saharawi people have been exposed to is found in the overcrowded and poorly maintained Moroccan prisons. Amid a global pandemic, Saharawi civilians being unjustly held prisoner are vulnerable to COVID-19 without any way to protect themselves. This blatant injustice and disregard for Saharawi life cannot go unchecked by the UN.

Unsurprisingly, Moroccan violations of the Saharawi's political rights continue, and so as to cover up the injustices, journalists are prevented from entering occupied Western Sahara. Activists and protesters are violently arrested and sentenced to long jail terms in unfair trials; international human rights lawyers attempting to visit Saharawi political prisoners in Moroccan prisons have been expelled from the country. Amnesty International has noted that Saharawi human rights activists are subject to "intense surveillance" by the Moroccan government, making it difficult for them to avoid arrest.

Natural Resources

Morocco continues to systematically and illegally extract natural resources from occupied Western Sahara.

Of course, economic development and advancements in sustainable energy are positive but not at the expense of the human rights of the Saharawi people. Economic advancements that serve to benefit a military occupation cannot lead to long-term prosperity or wellbeing; they can only deepen inequalities and make the conflict in Western Sahara even harder to resolve.

Our Conclusions:

Morocco's obstruction of the peace process, violations of human rights, and illegal extraction of natural resources in Western Sahara continue to foster instability in the territory, and the incessant denial of the Saharawi people's right to self-determination continues to exacerbate feelings of tension, frustration and discontent.

Despite Saharawi civilians being at risk of state violence for simply believing in self-determination, peacekeeping troops stationed in Western Sahara are not empowered to take any action. This is indefensible. MINURSO must be granted a mandate to monitor and uphold human rights. The UN must reassure the Saharawi people that international law and human rights will be respected in the future of Western Sahara. In the absence of such reassurance, the potential for a renewal of conflict remains. With such a reassurance, a peaceful solution will be possible.

We, the signing organisations, ask you to act with due urgency to support the Sahrawi people's right to determine freely their political future.

We therefore urge you to take the following steps:

- Appoint a new Personal Envoy of the Secretary General to Western Sahara to replace Horst Köhler. This must be done quickly so as to prevent further breakdown of trust in the process and retain the progress made by Köhler in his efforts to break the deadlock.

- Uphold international law by maintaining the focus on self-determination, which is the legal right of the Saharawi people, and emphasising the need to organise a referendum.
- Establish a timetable to make progress on the political track – this includes moving back to the 6-month mandate, increasing the tempo of Security Council sessions on Western Sahara, and setting out confidence building measures for the parties to demonstrate commitment to resolving the issue.
- Grant MINURSO the legal mandate to monitor and report on human rights in the territories controlled by both the Kingdom of Morocco and the Frente POLISARIO. This mandate must remain in place until a referendum has been held, and findings must be reported directly to the UN Security Council.
- Demand an end to the illegal extraction of natural resources from Western Sahara, which disregards the interests and wishes of the indigenous Saharawi. Such action would serve to uphold international law and build on the recognition by courts around the world of the Saharawi's right to control their natural resources.
- Combat the COVID-19 pandemic by advocating for Saharawi civilian prisoners in Moroccan prisons to be released. Moroccan prisons are notorious for overcrowding and appalling hygienic conditions. These dense and unsafe prison populations risk exacerbating the pandemic in both Western Sahara and Morocco.
- Set a firm date for a free and fair referendum, including the option of independence, to be carried out in Western Sahara, consistent with the established international legal norm of self-determination and the UN's mission to end colonisation.
- Develop a robust plan under Chapter VII of the UN Charter to enforce the outcome of the referendum in the event that any of the parties do not respect the decision of the Saharawi electorate.

The Sahrawi people have a right to decolonisation and self-determination. The UN Security Council can and must act now, to ensure that at the end of October the political process will not in fact be buried, but a peaceful and fair solution to the conflict can be reached.

Yours sincerely



Tanja Brodtmann

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Freiheit für die Westsahara e.V
(Freedom for Western Sahara)

This letter is supported by:

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