

Ambassador U. Joy Ogwu, OFR
Permanent Representative of the Federal Republic of Nigeria to the United Nations

Permanent Mission of Nigeria to the United Nations
828 Second Avenue
New York, NY 10017

March 26, 2014

Your Excellency,

We write in order to urge you to ensure human rights monitoring is included in the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO), which is due for renewal by the UN Security Council this April.

In addition, we write to request a UN Statement on the plans of Kosmos Energy and partners to begin drilling in the coastal waters of occupied Western Sahara this October. We wonder what plans MINURSO has to monitor the taking of natural resources from Western Sahara, given that such activities severely undermine the peace process in the region.

With regards to human rights, under Article 73 of the Charter of the United Nations, the UN has responsibility for non-self-governing peoples, including ensuring “their just treatment, and their protection against abuses”. It is essential for the UN to meet this responsibility with respect to Western Sahara. The lack of sustained human rights monitoring means human rights violations can continue with impunity. Indeed, when the UN Special Rapporteur on Torture, Juan E. Mendez, visited Western Sahara in September 2012, he reported receiving “credible testimonies relating to torture and ill-treatment in the Prison of [El-Aaiún], including rape, severe beating and isolation up to several weeks, particularly of inmates accused of participating in pro-independence activities.” He also noted “a pattern of excessive use of force in repressing demonstrations and in arresting protestors or persons suspected of participating in demonstrations calling for self-determination of the Sahrawi population.”

There have been hundreds of allegations of human rights violations since the Security Council decided in April 2013 against UN human rights monitoring in Western Sahara. These include allegations of torture, denial of freedom of assembly, and restrictions on freedom of expression. These allegations show the UN Special Procedures have been insufficient to improve the human rights situation on their own. They also suggest the inadequacy of Morocco’s own national human rights mechanisms. We therefore urge you to encourage the inclusion of an independent human rights monitoring mechanism in MINURSO mandate for the coming year.

Secondly, as you will be aware, Kosmos Energy Corporation, based in Dallas, USA, and its partners have concrete plans to begin drilling for oil in Western Sahara’s territorial waters in October of this year. The UN’s legal opinion on mineral exploration and exploitation in Western Sahara (S/2002/161), issued at the request of the Security Council, concluded that the wishes and interests of the Saharawi people are the basis to determine the legality of any such activity. Saharawi civil

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society together with the POLISARIO Front have been clear that plans to exploit their natural resources have not at all been consented to by them, and are considered to benefit an ongoing occupation of their territory. As you know, the taking of natural resources funds what is an illegal occupation of Western Sahara, thereby undermining the UN's peace process for the region. As such, we strongly believe that the UN mission to Western Sahara should have the mandate and capacity to monitor resource exploitation and report to the Security Council, to ensure that any activities relating to the exploration and exploitation of those resources are legal, that is, in line with the wishes and interests of the Saharawi people. One option which could be explored with the Saharawi people is the establishment of a UN-administered trust fund, in which all profits from exploitation activities are held until the UN-sponsored process for self-determination is completed.

With this in mind, we would respectfully ask the following:

- 1) Will the UN issue a statement on the plans to drill for oil in Western Sahara's coastal waters, as it did in 2002?
- 2) Will the MINURSO mandate include human rights monitoring? Can a mandate for the monitoring of resource exploitation also be proposed?
- 3) Will the UN explore the option of administering a Trust Fund for the Saharawi people, in which to reserve all profits from resource exploitation until the UN-sponsored process for self-determination is completed?

We'd gladly provide you with any additional information that you may require to fully engage these matters. We thank you for your consideration and look forward to your reply.

Yours sincerely,

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