

The Honourable Ban Ki-moon  
Secretary-General of the United Nations  
760 United Nations Plaza  
United Nations  
New York, NY 10017

February 28, 2013

Your Excellency,

Western Sahara Resource Watch - an international NGO with member organisations in over 40 countries, aiming to ensure respect for international law in the resolution of the dispute over Western Sahara - is writing in view of the impending Security Council discussions for renewal of the mandate of the UN Mission for the Referendum in Western Sahara, MINURSO.

In a report by the UN News Centre dated 21 February 2013, entitled "Ban calls for fresh ideas to advance decolonization as UN body begins annual session", you are quoted saying that "the risk of movement, while sometimes frightening, is far more preferable to the stagnation of the status quo." And: "The international community is more convinced than ever that colonialism has no place in the modern world. The eradication of colonialism, in keeping with the principles of the Charter and the relevant United Nations resolutions, is our common endeavour."

We hope that this most laudable stance will feature in your soon-to-be-released report on the situation in the Non-Self Governing Territory of Western Sahara. Accordingly, we would like to make a two-fold submission.

First, we respectfully ask that you make express in your report the need for MINURSO's mandate to be adapted to include a human rights monitoring capacity, accounting to the UN Security Council. Human rights abuses in the territory continue with impunity, while Saharawi human rights defenders are being prohibited from organising themselves or speaking out, in fear of intimidation, arrest, torture, rape or imprisonment. The UN has an obligation to protect the Saharawi population while they wait for the organisation of a just and equitable self-determination referendum, in conformity with the resolutions of the UN General Assembly, the UN Security Council and of the African Union. Such an obligation exists also under the 1990-91 UN referendum terms.

Second, we urge you to propose to UN Member States the establishment of a mechanism to place the proceeds from the exploitation of Western Sahara's natural resources under international administration until the status of the territory has been resolved. The matter continues to delay self-determination for the Saharawi people, as it contributes to financing the ongoing illegal occupation while denying the resources to the Saharawi people for future usage.

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*Western Sahara Resource Watch works to raise awareness of the illegal occupation of Western Sahara and to support the recognition of the Saharawi people's right to self-determination.*

While research by the UNFAO (under a program, the CCLME Project, which we note Saharawi representatives are excluded from) reveals the near depletion of fish stocks off Western Sahara, Morocco continues to market Saharawi waters to foreign fleets including Russia and the European Union. It is also disheartening to observe that Total Groupe SA, the exact same oil company that prompted the Security Council to commission a 2002 legal opinion on exploration and exploitation of Western Sahara's natural resources – which concluded such activities to be illegal if they did not take into account the wishes and interests of the people of the territory - has resumed its search for oil in Western Sahara under arrangements with the Moroccan government.

Both Saharawi living in the territory under Moroccan occupation and their representative organisation, the Frente Polisario, have constantly protested Morocco's exploitation of the territory's resources. While the matter was introduced in November 2011 as a new subject in the peace talks currently led by your Personal Envoy for Western Sahara, Christopher Ross, Morocco's continuing, illegal taking of Western Sahara's natural resources has proven to be a key obstacle to the resolution of this long-standing dispute.

The need for both human rights monitoring and international administration of the territory's natural resources is exemplified by the recent court martial of a group of Saharawi activists. For having participated in a mass protest to denounce the discrepancy between the Saharawi people's socio-economic marginalisation and the ongoing lucrative exploitation their land's natural resources, 23 of the 25 activists have received severe sentences, ranging from 20 years to life imprisonment. Some of those who have been condemned to life in prison referred to the UN's 2002 legal opinion (referred to above), when defending their right to protest during the trial.

We simply ask that the United Nations *Charter* be applied as it was envisioned; to ensure territorial sovereignty and the protection of peoples and their resources under occupation. And we look forward to the publishing of your report on Western Sahara in the coming weeks.

Yours sincerely,

Sara Eyckmans  
International Coordinator  
Western Sahara Resource Watch

coordinator@wsrw.org  
0032 475 45 86 95

A copy of this letter has been sent to:

- Christopher Ross, UN Secretary-General's Personal Envoy for Western Sahara
- Wolfgang Weisbrod-Weber, Special Representative and Head of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

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