

**Security Council**

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Letter dated 17 October 2022 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

I would like to transmit to you a letter sent from Brahim Ghali, the President of the Sahrawi Arab Democratic Republic and Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO) addressed to the Secretary-General of the United Nations, containing the position of the Frente POLISARIO regarding the report of the Secretary-General on the situation concerning Western Sahara ([S/2022/733](#)) (see annex).

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

(Signed) Mathu Joyini
Ambassador and Permanent Representative



Annex to the letter dated 17 October 2022 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

Letter from the President of the Sahrawi Republic and Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO) addressed to the Secretary-General of the United Nations

Bir Lehlou, 14 October 2022

The Frente POLISARIO takes note of the report of the Secretary-General of the United Nations dated 3 October 2022 on the situation concerning Western Sahara ([S/2022/733](#)) and would like to place on record its position regarding several elements contained in the report.

The Frente POLISARIO once again deeply deplores the complicit and unjustifiable silence of the United Nations Secretariat and its inexcusable reluctance to call a spade a spade and hold the occupying state of Morocco accountable for the consequences of its documented breach of the ceasefire that lasted for almost 30 years as an integral part of the United Nations-Organization of African Unity settlement plan, which was accepted by both parties, the Frente POLISARIO and Morocco, in August 1988 and approved unanimously by the Security Council in its resolutions [658 \(1990\)](#) and [690 \(1991\)](#).

As we stressed emphatically in our letter addressed to you on 24 November 2021, which was circulated as a document of the Security Council ([S/2021/980](#)), it was the occupying state of Morocco that moved its armed forces into what was then called the buffer strip at Guerguerat in the Sahrawi Liberated Territories to attack the group of Sahrawi civilians who were protesting peacefully in the area against Morocco's illegal occupation of our country.

It was the forces of the occupying state of Morocco that crossed the ceasefire line and illegally occupied more of the Sahrawi land and constructed, as you stated in your report, "an approximately 20 km long new sand wall at Guerguerat" and "consolidated its presence over some 40 km² of land in the buffer strip" ([S/2021/843](#), para. 35). It was also the occupying state that defiantly stated that its actions at Guerguerat were "irreversible" ([S/2021/843](#), para. 23).

Was not moving troops by the occupying state of Morocco into what was then called the buffer strip an act violating and torpedoing the 1991 ceasefire and related military agreements? Was not the illegal occupation of more Sahrawi land and the construction of more sand walls at Guerguerat and elsewhere a breach of the 1991 ceasefire and military agreement No. 1, which prohibited the entry, by ground or air, by the armed forces of both parties in the buffer strip (3.1) as well as the construction of new berm walls (sand, stone and concrete) (3.2.1)?

The answer is very clear, and it points to an undeniable fact evidenced by the rapidly evolving events on the ground and their visible consequences. It is the occupying state of Morocco that has caused "the breakdown of the ceasefire", as recognized by the Security Council in its resolution [2602 \(2021\)](#). This is the plain truth and the reality of the situation, and there is no use mincing words about it.

However, the Secretary-General and the United Nations Secretariat have again opted for remaining silent on this fact, even when the report once more recognizes the "resumption of hostilities" ([S/2022/733](#), paras. 2, 51, 89 and 94) and stresses that

“the continued lack of an effective ceasefire threatens the stability of the region, with a risk of escalation while hostilities persist” (S/2022/733, para. 89).

There is therefore no question that the occupying state of Morocco has violated and torpedoed with complete impunity the 1991 ceasefire, and that it is the only party responsible for the multiple consequences resulting from its continued breach, including those bearing on the presence and operation of the United Nations Mission for the Referendum in Western Sahara (MINURSO) in the Territory.

This is the indisputable fact and the main backdrop and the root cause of what is happening in the area of responsibility of MINURSO and the existence of the “fundamentally changed operational and political environment” (S/2022/733, para. 101) in which the Mission operates.

The Frente POLISARIO calls upon the members of the Security Council to bear in mind this established fact when they convene to deliberate on the renewal of the MINURSO mandate in the coming days.

There is no doubt that references to the “resumption of hostilities” and “the conduct of aerial strikes and firing across the berm” (S/2022/733, para. 89) as well as the “18 reported strikes conducted by Royal Moroccan Army unmanned aerial vehicles east of the berm” documented by MINURSO (S/2022/733, para. 41), among other things, expose all the lies and mendacious propaganda of the occupying state of Morocco, which is in a constant state of denial about the bitter reality of the war of aggression that it has triggered.

Since its violation of the ceasefire on 13 November 2020, the Moroccan occupying forces have been using all types of weapons, including unmanned aerial vehicles (UAVs), to callously kill, not only dozens of Sahrawi civilians, but also civilians of neighbouring countries in transit through the Sahrawi Liberated Territories. Over the past two years, estimates indicate that 24 civilians, including a 15-year-old boy, have been killed and 12 wounded by Moroccan UAV attacks. Twenty-six civilian cars and heavy trucks have also been destroyed by Moroccan aerial strikes.

Despite the breakdown of the ceasefire and related military agreements, the Frente POLISARIO continues to provide full access to MINURSO military observers to visit and document, with the help of experts of the Mine Action Service, every single site of the strikes carried out by Moroccan UAVs targeting civilians in the Sahrawi Liberated Territories.

The deliberate targeting of civilians and civilian objects constitutes a war crime in line with the Statute of the International Criminal Court. It is also a violation of the rules of international humanitarian law applicable in international armed conflicts, including the principle of distinction and the prohibition of indiscriminate attacks and acts or threats of violence the primary purpose of which is to spread terror among the civilian population. However, the report provides a sketchy account of the dozens of aerial strikes launched by the Moroccan occupying forces against Sahrawi civilians and others from neighbouring countries.

The report, for instance, indicates that “MINURSO continued to note reports of strikes conducted by Royal Moroccan Army unmanned aerial vehicles east of the berm”. It also indicates, however, that “MINURSO was only able to independently confirm that casualties had occurred on one occasion, on 16 November 2021 in the Mijek Area”, and that “MINURSO observed traces of human remains at four other sites” (S/2022/733, para. 4).

The report further states that “on 2 November, MINURSO noted media reports suggesting that an aerial strike had taken place in Bir Lahlou, involving two Algerian

trucks, which reportedly resulted in the deaths of three Algerian civilians” and that “observation by MINURSO suggested that the trucks were transporting fuel and that the damage was caused by the explosion of an air-to-ground projectile and the resulting fire” (S/2022/733, para. 5). However, the report fails to identify the occupying state of Morocco as the party responsible for the aerial attack and other criminal attacks on civilians and others, and one is left with a series of “anonymous” aerial strikes that just happened like that.

The report refers to “an incident on 2 August during which a Frente POLISARIO water truck used to supply bulk water to MINURSO was destroyed by a reported aerial strike [air-to-ground munition] in the vicinity of the MINURSO team site in Agwanit”, which caused the interruption to the delivery of fuel to all the Mission team sites “east of the berm” (S/2022/733, para. 63). However, the report remains silent on the party responsible for the criminal attack, namely, the forces of the occupying state of Morocco, and its consequences for MINURSO resupply operations.

Moreover, the report clearly states that, “on 24 August, the Royal Moroccan Army wrote to MINURSO conveying its assurances, ‘exceptionally’ for ‘one-time only’, for the refuelling of all five team sites east of the berm” (S/2022/733, para. 63). What this means is that Sahrawi civilians and civilian assets providing bulk water, diesel fuel and other supplies to MINURSO team sites in the Sahrawi Liberated Territories can, at any time, be targeted by the forces of the occupying state, even if they are escorted by the Mission patrols. It is not hard to imagine the foreseeable consequences of such attacks on the sustainability of MINURSO team sites there in the short and long run.

The occupying state of Morocco claims that it “has never targeted, and will never target civilians, nor Algerian nationals or other nationalities” (S/2022/733, para. 6). The fact remains that the same occupying state had already claimed that there was “total absence of any armed conflict” (S/2021/843, para. 16), which, as it turned out, is a baseless claim debunked even by the few accounts outlined in the report.

Regarding political activities, the report points out that Personal Envoy of the Secretary-General was informed by the occupying state of Morocco that “it would not be possible for him to meet with civil society representatives and women’s organizations on the occasion of this first visit” to Western Sahara, which the United Nations had officially announced (S/2022/733, para. 27). The fact remains that the occupying state blocked the Personal Envoy of the Secretary-General for Western Sahara from visiting the Territory by putting a set of preconditions on where he should go and with whom he should meet during his visit to Western Sahara, which is his area of responsibility, as defined in his title as the Personal Envoy of the Secretary-General for Western Sahara.

The obstructionism and delay tactics employed by the occupying state of Morocco to prevent the Personal Envoy of the Secretary-General for Western Sahara from visiting the Territory should therefore be condemned because they demonstrate beyond any doubt that the occupying state has no political will to facilitate the mission of the Personal Envoy and to engage constructively in the United Nations peace process in Western Sahara.

In his report, the Secretary-General states that “my Special Representative remained unable to meet with Frente POLISARIO representatives in Rabouni, in line with established practice” (S/2022/733, para. 60).

Despite the breakdown of the ceasefire and related military agreements, the Frente POLISARIO continues to engage with MINURSO at numerous levels, and we remain committed to cooperating with the Mission in the fulfilment of its mandate as established by the Security Council. However, we do not accept that the civilian and

military leadership of MINURSO cannot meet with the Frente POLISARIO at any location within the boundaries of the Territory because of fear of reprisals by the occupying state of Morocco and the latter's continued policy of blackmail on this issue.

Furthermore, the notion that the Frente POLISARIO cannot meet with MINURSO leadership in our own Territory over which the United Nations does not recognize any Moroccan sovereignty because that "would constitute a recognition of Frente POLISARIO control over the Territory east of the berm" (S/2018/889, para. 52) is dangerous and deplorable, as it echoes the position of the occupying state of Morocco.

After all, for the sake of argument, if meeting the leadership of the Frente POLISARIO in the Sahrawi Liberated Territories would be construed in this way, then certainly meeting Moroccan officials in El Aaiún – the capital of the Occupied Western Sahara – or at any other location in the Territory would be tantamount to recognizing Morocco's illegal annexation of our Territory.

The area of responsibility 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, it is on record that former Special Representatives of the Secretary-General, including Sahabzada Yaqub Khan of Pakistan, Julian Harston of the United Kingdom of Great Britain and Northern Ireland 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 "established practice" (S/2022/733, para. 60) is erroneous, untenable and thus unacceptable.

The report points out that "the Mission's lack of access to local interlocutors west and east of the berm continued to severely limit its ability to independently collect reliable situational awareness information and to assess and report on developments across its area of responsibility". The report further indicates that "the requirement of Morocco that MINURSO use Moroccan vehicle number plates west of the berm, in contravention of the status-of-mission agreement, together with the stamping of MINURSO passports by Morocco, also continued to affect the perception by the local population of the impartiality of the Mission" (S/2022/733, para. 67).

However, the reference made to the Mission's lack of access to local interlocutors "east of the berm", i.e., in the Liberated Territories of Western Sahara, is a surprising and unsubstantiated novelty. The report of the Secretary-General of last year stated that "the Mission's lack of access to local interlocutors west of the berm continued to severely limit its ability to independently collect reliable situational awareness information and to assess and report on developments across its area of responsibility" [*italics added*] (S/2021/843, para. 61). In the absence of any evidence in this year's report, it is therefore hard to understand the reason for this "sudden" change in the assessment of the Mission's access to local interlocutors in its area of responsibility.

Regarding "confidence-building measures", the report points out that the Personal Envoy, after raising the issue of confidence-building measures with relevant interlocutors, "noted that none of his interlocutors had expressed immediate interest in further work on these issues" (S/2022/733, para. 76). The fact remains that the Frente POLISARIO explained to the Personal Envoy its understanding of the notion of the confidence-building measures in this context and expressed its willingness to engage on this basis. It is the other party that has officially declared on many

occasions that it is unwilling to discuss any confidence-building measures. Therefore, the truth should be stated without sweeping generalizations and ambiguity.

Regarding human rights, the report points out that “the Office of the United Nations High Commissioner for Human Rights (OHCHR) was unable to conduct any visits to Western Sahara for the seventh consecutive year despite multiple requests and despite the Security Council in its resolution [2602 \(2021\)](#) strongly encouraging enhanced cooperation” ([S/2022/733](#), para. 77). Once again, the occupying state of Morocco is not held responsible for obstructing the work of the United Nations bodies and for repeatedly denying them access to the Territory.

The few abuses outlined in the report do not do justice to the systematic human rights violations perpetrated with complete impunity by Moroccan occupying authorities against Sahrawi civilians and human rights defenders away from international scrutiny because of the continued military blockade and media blackout imposed on the Occupied Western Sahara.

It is therefore imperative that the MINURSO mandate be expanded to include a human rights component that would enable the “independent, impartial, comprehensive and sustained monitoring of the human rights situation” ([S/2022/733](#), para. 100) in the Mission area of responsibility, as called for repeatedly by the Secretary-General in his previous reports.

The situation of the Gdeim Izik Group, briefly outlined in the report ([S/2022/733](#), para. 80), continues to be alarming because of the deplorable conditions in which they are being held in the prisons of the occupying state of Morocco and the degrading and retaliatory practices to which they are subjected by the Moroccan penitentiary administration.

We call upon you once again to act urgently to end the suffering of all Sahrawi political prisoners and their families and to ensure their immediate and unconditional release so that they can rejoin their homeland and be reunited with their families.

Morocco is the occupying power in Western Sahara in accordance with General Assembly resolutions [34/37](#) of 21 November 1979 and [35/19](#) of 11 November 1980, among other resolutions. The reports submitted to OHCHR by the occupying state on “the development model in Western Sahara” ([S/2022/733](#), para. 82) and by the National Human Rights Council of Morocco “covering [as it claims] human rights issues in Western Sahara” ([S/2022/733](#), para. 81), respectively, are unacceptable and cannot be cited in a report of the Secretary-General on Western Sahara, not only because they lack all credibility, but also because they represent a breach of the legal status of the Territory as a Non-Self-Governing Territory over which the occupying state exercises no sovereignty.

In paragraph 13, the report refers to the change of the position of the Spanish Government regarding the issue of Western Sahara, which was absolutely in contradiction of international legality and because of which the Frente POLISARIO decided to suspend its contacts with the current Spanish Government. The report mentions several countries that have illegally inaugurated so-called “Consulates General” in the city of Dajla (Dakhla) in the Occupied Western Sahara with the complicity of the occupying state of Morocco ([S/2022/733](#), para. 18).

Nevertheless, the report inexplicably remains completely silent on the judgment delivered on 29 September 2021 by the General Court of the European Union, a summary of which was circulated as a document of the Security Council ([S/2021/979](#)). The report also remains silent on the several countries that have re-established diplomatic relations with the Sahrawi Arab Democratic Republic (SADR) during the reporting period. This unbalanced coverage of “recent developments” is unacceptable and should be rectified in future reports.

When mentioning the African Union (S/2022/733, para. 84), the report fails, for the sixth consecutive time, to inform the Security Council that the occupying state of Morocco still refuses to allow the African Union observer mission to return to Western Sahara and resume its collaboration with MINURSO.

When referring to operational activities, the report mentions issues related to the operation of MINURSO in the Sahrawi Liberated Territories, including ground operations, helicopter resupply flights, and logistical and maintenance ground convoys (S/2022/733, para. 37).

However, the report fails to mention and to recognize the efforts deployed by the Frente POLISARIO with regard to MINURSO and the safety and security of military observers stationed at the team sites in the Liberated Territories of Western Sahara, despite the breakdown of the ceasefire and the war circumstances.

In this regard, with a view to contributing to mitigating the effects on the Mission and in line with the rules of international humanitarian law applicable in international armed conflicts, we have been doing our utmost, under the most difficult circumstances, to secure safe passage, on a regular basis, for MINURSO flights to do troop rotations, deliver supplies to the Mission team sites in our Liberated Territories, carry out link-up and maintenance ground patrols and conduct urgent medical evacuations when needed. We have been providing bulk water and diesel fuel to MINURSO team sites, and we will continue to assist the Mission as much as possible.

In the observations and recommendations, the report points out that “daily incursions into the buffer strip adjacent to the berm and hostilities between the parties in this area violate its status as a demilitarized zone that should instead remain a cornerstone of a peaceful solution to the situation of Western Sahara” (S/2022/733, para. 89).

This statement once again overlooks completely the evolution of the situation on the ground and its significant impact on MINURSO operations in the Sahrawi Liberated Territories and does not do justice to the position of the Frente POLISARIO in this regard. As we have indicated clearly in our communication (S/2021/980), the 1991 ceasefire and related military agreements, including military agreement No. 1, are no longer effective, since 13 November 2020, because of the serious act of aggression carried out by the occupying state of Morocco on the Sahrawi Liberated Territories and its illegal occupation of more of the Sahrawi land.

In the face of the Moroccan act of aggression and the United Nations total inaction, the Frente POLISARIO declared, by virtue of a presidential decree dated 13 November 2020, that it was no longer bound by the 1991 ceasefire and related military agreements and the obligations derived therefrom. It also declared that it was resuming its legitimate armed struggle in self-defence (S/2021/843, para. 15) in line with General Assembly resolution 3314 (XXIX) and other relevant resolutions.

Referring to “the buffer strip”, “violation of the status of the demilitarized zone”, “free movement of MINURSO military observers” and “ground convoys” clearly gives the impression that the United Nations Secretariat still deals with the situation on the ground in Western Sahara as if nothing had happened. This is unacceptable and is equally misleading.

For the sake of transparency and impartiality, we once again urge the United Nations Secretariat and all other stakeholders to fully realize the fact that, as far as the Frente POLISARIO is concerned, the 1991 ceasefire and related military agreements and the obligations derived therefrom are no longer effective, since 13 November 2020, due to the reasons mentioned above.

The fact that the occupying state of Morocco, which continues to brazenly deny the resumption of hostilities, keeps on pledging “its commitment” to a “ceasefire” (S/2021/843, para. 23) that it itself has broken down with complete impunity cannot conceal the fact that the 1991 ceasefire has been completely torpedoed, with dire consequences for the functions and operations of MINURSO and the entire United Nations peace process.

In the observations and recommendations, the report observes that “the United Nations remains available to convene all those concerned with the issue of Western Sahara in the search for a peaceful solution” (S/2022/733, para. 90). The Frente POLISARIO recalls that the two parties to the conflict in Western Sahara are the Frente POLISARIO and Morocco and reaffirms that it remains ready to cooperate with the Secretary-General and his Personal Envoy with a view to achieving a peaceful, just and lasting solution to the decolonization of Western Sahara.

Moreover, the report points out that “strong political will is required to find a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara in accordance with Security Council resolutions 2440 (2018), 2468 (2019), 2494 (2019), 2548 (2020) and 2602 (2021)” (S/2022/733, para. 90). In paragraph 101, the report further indicates that “MINURSO represents the commitment of the United Nations and the international community towards achieving a just, lasting and mutually acceptable political solution to the conflict in Western Sahara in accordance with Security Council resolutions 2440 (2018), 2468 (2019), 2494 (2019), 2548 (2020) and 2602 (2021)”.

As we stressed in our letter (S/2021/980), 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 in 1991 are not contained only in the Security Council resolutions cited above. Moreover, the Security Council is the organ that established, under its authority, MINURSO and its mandate by virtue of its resolution 690 (1991), and since then the Council has consistently recalled and reaffirmed all of its previous resolutions on Western Sahara, including its latest resolution, 2602 (2021).

The Frente POLISARIO recalls its decision of 30 October 2019 to reconsider its engagement in the peace process as a whole and its affirmation that it will never accept or endorse any approach that deviates from the mutually accepted United Nations-Organization of African Unity settlement plan or seeks to override the United Nations recognized legal nature of the question of Western Sahara as a decolonization case.

In this regard, the Frente POLISARIO strongly affirms that it will not engage in any peace process based exclusively on the Security Council resolutions cited above or on any selective and reductive interpretation of those resolutions that is supported neither by the Security Council resolutions as an integrated whole nor by the letter and spirit of the settlement plan that underlies the MINURSO mandate and its *raison d’être*.

“Quiet diplomacy” and “destructive ambiguity”, as it were, are dangerous tools, especially when so much is at stake and when inaction and indecisiveness in this case lead only to emboldening the aggressor to persist in its aggression and defiance. As indicated earlier, the breach committed by the occupying state of Morocco on 13 November 2020 and its ongoing aggression on the Sahrawi people are indisputable facts and the main backdrop and the root cause of what is happening in the area of responsibility of MINURSO.

The Frente POLISARIO once again calls upon the members of the Security Council to bear in mind this established fact when they convene to deliberate on the renewal of the MINURSO mandate in the coming days.

This Moroccan breach is not time-barred, and the occupying state must be held accountable for that. No one should therefore have any illusions that a genuine and credible peace process could start and advance in Western Sahara without ending the impunity with which the occupying state of Morocco has been allowed to undermine the United Nations-Organization of African Unity settlement plan, obstruct the self-determination referendum and eventually breach the 1991 ceasefire and plunge the region into yet another spiral of violence and instability.

In concluding, the Frente POLISARIO reiterates its commitment to contributing to the achievement of a peaceful, just and lasting solution to the decolonization of Western Sahara in accordance with the principles of international legality and relevant resolutions of the United Nations and the African Union and based on the mandate for which the United Nations Mission for the Referendum in Western Sahara (MINURSO) was established.

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 the Frente POLISARIO
