



Security Council

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Letter dated 18 January 2019 from the Permanent Representative of Namibia to the United Nations addressed to the President of the Security Council

I should be grateful if you would have the present letter and its annex, a letter from the Representative of the Frente POLISARIO at the United Nations, Sidi Omar, issued as a document of the Security Council.

(Signed) Neville **Gertze**
Ambassador
Permanent Representative



Annex to the letter dated 18 January 2019 from the Permanent Representative of Namibia to the United Nations addressed to the President of the Security Council

Thanks to the efforts of the Personal Envoy of the Secretary-General for Western Sahara and the support of Security Council members, we have a real chance to forge a sustainable peace in Western Sahara and fulfil the right to self-determination of the Sahrawi people. Unfortunately, the European Union's attempts to include Western Sahara in its trade agreements with Morocco seriously threaten to jeopardize such progress and undermine the prospect of peace.

On 16 January, the European Parliament voted to ratify the European Union-Morocco agricultural agreement, including the territories of Western Sahara, illegally occupied by Morocco. The vote was held in an environment devoid of scrutiny and transparency, including the resignation of the deal's rapporteur owing to a serious conflict of interest. The outcome represents a direct blow to human rights defenders and international law. It also represents a major obstacle to the United Nations-led peace process.

By extending the European Union-Morocco trade deal to the occupied territories of Western Sahara, the European Union has taken a step that effectively prejudices the outcome of political negotiations and removes the European Union's core means to genuinely support the United Nations peace process using trade as an incentive for Morocco to engage constructively in the political process. The international community, quite understandably, asks that we – the two parties – avoid taking steps that would undermine or prejudice the peace process. Yet the European Union has taken a decision that has a clear and direct impact on the political process, emboldens Morocco to maintain the status quo and violates international and European law.

Rather than risk further undermining the United Nations political process, our European partners should reconsider this decision and develop a consistent policy to support sustainable peace in our region. We have strongly encouraged European Union member States to halt immediately the implementation of all trade deals that include Western Sahara and to instead work with Security Council members to implement a plan through which European Union trade can be effectively used as an incentive for a negotiated peace agreement. We have communicated this position to the Personal Envoy (including during the United Nations peace talks in Geneva) and we urge both President Köhler and Security Council members to call on the European Union to abandon its deeply counterproductive approach and to make clear that, by continuing down this illegal path, the European Union risks further endangering this historic process.

Given the blatant illegality of the current agreement, the Frente POLISARIO has made extensive preparations to challenge the deal at the European Court of Justice and to take legal action against any private or public company that engages in the illegal exploitation of our natural resources. We have a high degree of confidence that the decision will not withstand legal scrutiny. We strongly regret that we will now have to expend energy on a lengthy legal case, when our energies would be far better invested in the United Nations-led peace process. However, we will never hesitate to uphold international law and the rights of the Sahrawi people.

The Frente POLISARIO continues to believe that the United Nations-led political process represents our people's best chance to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of Sahrawi people. We will therefore continue to engage constructively in the political process, in good faith and without preconditions.

Peace requires everyone to play a constructive role. We strongly regret that the European Union has opted to exert a negative influence on the collective international effort, and we urge the Security Council to encourage European Union members to rethink this short-sighted and destabilizing position.

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

(Signed) Sidi M. **Omar**
Representative of the Frente POLISARIO at the United Nations
