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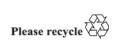
### **Human Rights Council**

Fifty-first session
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

## Note verbale dated 6 October 2022 from the Permanent Mission of Namibia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Namibia to the United Nations Office at Geneva and other international organizations in Switzerland hereby draws the attention of the President of the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights to the attached correspondence from the Frente POLISARIO pertaining to the right of self-determination and the permanent sovereignty of the people of the Non-Self-Governing Territory of Western Sahara over their natural resources (see annex).

The Permanent Mission of the Republic of Namibia has the honour to request that the present note verbale and the annex thereto\* be issued as a document of the Human Rights Council and circulated to all members of the Council under agenda item 3.





<sup>\*</sup> Reproduced as received, in the language of submission only.

# Annex to the note verbale dated 6 October 2022 from the Permanent Mission of Namibia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

#### For the attention of the members of the Human Rights Council

Western Sahara, called Spanish Sahara until the colonial Power (Spain) terminated its presence in and illegally relinquished its responsibilities over the Territory in February 1976, was included in 1963 in the list of Non-Self-Governing Territories under Chapter XI of the Charter (A/5514, annex III). Since then, UN General Assembly Resolution 1514 (XV), which contains the "Declaration on the Granting of Independence to Colonial Countries and Peoples" fully applies to Western Sahara.

In adopting resolution 1514 (XV), the UN General Assembly affirmed that peoples may, for their own ends, freely dispose of their natural wealth and resources and declared that "all armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected."

In its 1975 Advisory Opinion<sup>2</sup>, the International Court of Justice concluded that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco. In November 1975, the UN Security Council in Resolution 380 called upon Morocco to immediately withdraw from the Territory of Western Sahara all the participants in the march. In November 1979, the UN General Assembly in Resolution 34/37 deeply deplored the aggravation of the situation resulting from the continued occupation of Western Sahara by the Kingdom of Morocco.

In adopting resolution 1803 (14 Dec. 1962) entitled "Permanent sovereignty over natural resources", the UN General Assembly declared that "The exploration, development and disposition of such resources, as well as the import of the foreign capital required for these purposes, should be in conformity with the rules and conditions which the peoples and nations freely consider to be necessary or desirable with regard to the authorization, restriction or prohibition of such activities."

In its General comment No. 12 on Article 1 of the International Covenant on Civil and Political Rights, the Human Rights Committee, referring to paragraph 2 of Article 1 stressed that the right of peoples freely to dispose of their natural wealth and resources entails corresponding duties for all States and the international community.

Paragraph 3, in the Committee's opinion, is particularly important in that it imposes specific obligations on States parties, not only in relation to their own peoples but vis-à-vis all peoples which have not been able to exercise or have been deprived of the possibility of exercising their right to self-determination. The obligations exist irrespective of whether a people entitled to self-determination depend on a State party to the Covenant or not. It follows that all States parties to the Covenant should take positive action to facilitate realization of and respect for the right of peoples to self-determination.

Both, the Committee on Economic, Social and Cultural Rights in its 2015 Concluding observations on the fourth periodic report of Morocco<sup>3</sup> and the Human Rights Committee in

The southern and eastern boundaries with the Islamic Republic of Mauritania were established by the "Convention pour la délimitation des possessions françaises et espagnoles dans l'Afrique occidentale, sur la côte du Sahara et sur la côte du Golfe de Guinée", signed in Paris on 27 June 1900. The Northern boundary of Western Sahara with the territory of the Kingdom of Morocco was delimited by two conventions, the Paris Convention signed on 3 October 1904, and the Madrid Convention signed on 27 November 1912. Its delimitation has been slightly corrected by the Madrid Convention signed on 19 December 1956.

<sup>&</sup>lt;sup>2</sup> Western Sahara, Advisory Opinion, I.C.J. Reports 1975.

<sup>&</sup>lt;sup>3</sup> E/C.12/MAR/CO/4\*.

its 2016 Concluding observations on the sixth periodic report of Morocco<sup>4</sup>, expressed their concerns about the failure to find a solution to the issue of the right to self-determination of the Non-Self-Governing Territory of Western Sahara and the illegal exploitation of the natural resources of the Territory by the Kingdom of Morocco.

Furthermore, in its annually adopted resolution entitled " Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories", the UN General Assembly calls upon all Governments that have not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in the Non-Self-Governing Territories that are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises.

UN General Assembly Resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations", provides that the territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the administering Power (not mentioning an occupying Power) and that such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

It is precisely upon this very fundamental principle that the General Court of the European Union has founded its 29th September 2021 ruling<sup>5</sup> on the agreement between the European Union and Morocco amending the tariff preferences granted by the European Union to products of Moroccan origin and, second, the Sustainable Fisheries Partnership Agreement.

Confirming the relevant case law of the Court of Justice of the European Union<sup>6</sup>, the General Court, recalls that the Frente Popular de Liberación de Saguía el Hamra y Río de Oro (Frente POLISARIO) is recognised internationally as the representative of the people of Western Sahara and that any agreement on economic activities in the Non-Self-Governing Territory of Western Sahara must have the free and genuine consent of the people of Western Sahara. The General Court affirmed the legal personality of the Frente Polisario being entitled to act before the European and international judicial institutions to defend the rights of the people and the territory of Western Sahara.

The Frente POLISARIO, recognized by the UN General Assembly in Resolution 34/37 as the representative of the people of Western Sahara, denounces the persistent attitude of the European Union and its member states in its relations with the Kingdom of Morocco when addressing the Non-Self-Governing Territory of Western Sahara.

Whether it relates to the process of self-determination started in 1966 and continued with the creation by the Security Council of the UN Mission for the Referendum in Western Sahara (MINURSO), or to the exploitation of natural resources in the same Territory, the European democracies are ostensibly trampling on fundamental principles of international relations, the international law, the UN Charter and the countless resolutions adopted by the General Assembly concerning the Non-Self-Governing Territories and Western Sahara in particular.

The Frente POLISARIO deeply regrets that the European democracies participate actively to the weakening of the system created in 1945 in order to maintain international peace and security, to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to achieve international co-operation in encouraging respect for human rights and for fundamental freedoms for all.

The Frente POLISARIO calls upon the members of the Human Rights Council to request the High-Commissioner to establish a comprehensive list of companies developing economic activities in the occupied Non-Self-Governing Territory of Western Sahara without the free and genuine consent of the people of Western Sahara.<sup>7</sup>

<sup>4</sup> CCPR/C/MAR/CO/6

<sup>&</sup>lt;sup>5</sup> https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-09/cp210166en.pdf

<sup>&</sup>lt;sup>6</sup> See document A/HRC/44/G/20

<sup>7</sup> See the annexed list

The Frente POLISARIO, while denouncing the persistent illegal occupation and annexation of part of Western Sahara by the Kingdom of Morocco and the persistent illegal plundering of the natural resources of the Territory, as well as the development of economic activities which violate the rights of the Sahrawi people, calls upon once again the members of the Human Rights Council to implement OP5 of the UN General Assembly's annually-adopted resolution entitled "Universal realisation of the right of peoples to self-determination", which reads "Requests the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation" and to establish the mandate of a Special Rapporteur on the situation of human rights in the Occupied Western Sahara.

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

Geneva, 5 October 2022 Ms. Omeima Abdeslam Representative of the Frente Polisario to the United Nations and other International Organisations in Geneva

### Annex

Non exhaustive list<sup>8</sup> of major companies developing economic activities in the occupied Non-Self-Governing Territory of Western Sahara without the free and genuine consent of the people of Western Sahara

Country	Company	Field of activity
Australia	Worley Ltd	Phosphates
Belgium	Windvision NV	Renewable Energy
Canada	Metalex Ventures	Mining
China	Chint Group	Renewable energy
Cyprus	FML Ship Management Ltd	Shipping
Denmark	COWI A/S	Infrastructure
Denmark	Deugro Danmark A/S	Renewable Energy
Finland	Wartsila OYJ ABP	Infrastructure
Finland	Nokia	Infrastructure
France	Azura Group	Agriculture
France	Idyl S.A.S.	Agriculture
France	Air France-KLM Group	Aviation
France	Engie S.A.	Desalination
France	Veolia Environment S.A.	Desalination
France	Sogestran Group	Energy exports
France	Agence Française de Développement	Finance
France	Axa S.A.	Finance
France	BNP Paribas S.A.	Finance
France	Crédit Agricole Group	Finance
France	Société Générale S.A.	Finance
France	Vinci Group	Infrastructure
France	DV Offshore	Infrastructure
France	Mobilis	Infrastructure
France	Negri France	Infrastructure
France	Orange S.A.	Infrastructure
France	SYSTRA Group	Infrastructure
France	Tecalemit Flexibles	Infrastructure
France	Terrasol	Infrastructure

<sup>&</sup>lt;sup>8</sup> The list will be updated on a regular basis.

Germany

Greece

France Voltalia SA Renewable Energy

France Chancerelle Seafood
France CMA CGM S.A. Shipping
France UCPA Tourism
Germany HeidelbergCement AG Cement
Germany ThyssenKrupp AG Cement

Warnemünder

Germany Hochseefischerei GmbH Fisheries

(Doggerbank Seefischerei

GmbH)

Germany Köster Marine Proteins Fishmeal imports

GmbH

Deutche Post DHL Group International Logistics

GermanySiemens Energy AGRenewable EnergyGermanySiemens AGRenewable energy

Germany J Müller Weser GmbH &

Co. KG

Shipping

GermanyBriese SchiffahrtsShippingGermanyHamburger LloydShipping

**Greece** Stealth Corp Energy exports

Greece Kataskevastiki J. Dimitriou

Ltd

Infrastructure

Greece Archirodon Group Infrastructure

Greece Common Progress

Compania

Shipping

Greece Empire Bulkers Ltd

Sea World Management &

Trading Inc

Shipping

Shipping

GreeceTechnomar Shipping IncShippingGreeceUnisea Shipping LtdShippingGreeceWhite Sea Navigation SAShippingIndiaLarsen & Toubro LtdInfrastructureIndiaParadeep Phosphates LtdPhosphates

India Sterling and Wilson Renewable energy

IrelandSan Leon Energy PLCOil and gasIsraelRatio Petroleum Energy LPOil and gasItalyItalcementi GroupCement

Italy Eccher/DEAL Infrastructure

ItalyEnel SpARenewable energyJapanHitachi LtdRenewable energy

LithuaniaBaltlanta ZAOFisheriesKingdom of MoroccoAttijariwafa Bank (\*)FinanceKingdom of MoroccoBank Assafa (\*)FinanceKingdom of MoroccoDar Al Moukawil (\*)Finance

Kingdom of MoroccoInwi (\*)TelecommunicationsKingdom of MoroccoLafargeHolcim Maroc (\*)Building materials

Marjane Holding (\*)

Retail & Distribution

Kingdom of Morocco Nareva (\*) Energy

**Kingdom of Morocco** 

**Kingdom of Morocco** ONAPAR (\*) Construction

 Kingdom of Morocco
 Sonasid (\*)
 Building materials

 Kingdom of Morocco
 SOMED (\*)
 Mining / Construction

**Kingdom of Morocco** Sotherma (\*) Retail & Distribution

Kingdom of MoroccoWafa Assurance (\*)InsuranceKingdom of MoroccoWafacash (\*)Finance

**Kingdom of Morocco** Wana Corporate (\*) Telecommunications

**Kingdom of Morocco**Dakhla Kids (King's cousin Lalla Noufissa)

Hotels / Resorts

Kingdom of MoroccoAbd DahaConstructionKingdom of MoroccoAcacia SudConstruction

**Kingdom of Morocco**Agence Transit Sakia El
Hamra
Maritime transport

**Kingdom of Morocco** Agkmat Holding Construction

**Kingdom of Morocco** Agro Rio D'oro Agricultural machinery

**Kingdom of Morocco** Ahl Abidine sarl Construction

**Kingdom of Morocco** Al Binai Civil engineering

Kingdom of Morocco Al Moukhad Construction

Kingdom of Morocco Aosiba Civil engineering

Kingdom of MoroccoAoulad Brahim T.pConstructionKingdom of MoroccoAzyosliConstruction

Banque Marocaine du

**Kingdom of Morocco** Commerce Extérieur Finance

(BMCE)

**Kingdom of Morocco** Banque Populaire Finance

Kingdom of Morocco Bensalman Construction

**Kingdom of Morocco** BK Fish Fish Preparation- Export

**Kingdom of Morocco** Canafric(Mina Holding) Tyres seller

**Kingdom of Morocco** Canpêches Fish Preparation- Export

**Kingdom of Morocco** C.e.te.ge.c Civil engineering

Kingdom of Morocco

Ciment et Matériel de
Construction Saharienne
Construction

Kingdom of Morocco

Cie. Africaine des travaux généraux (Mina Holding)

Civil engineering

Kingdom of Morocco Cogémetal Civil engineering

Kingdom of Morocco Concept Dakhla Developer Constructors

**Kingdom of Morocco**Conserveries Pelagiques De Dakhla

Shipowners

Dakiii

Kingdom of Morocco COPELIT Fishery

Kingdom of Morocco Crédit Immobilier et Hôtelier Finance

Kingdom of Morocco Crédit du Maroc Finance

**Kingdom of Morocco** C.s.v. Mechanical maintenance

Kingdom of MoroccoDakhla AssurancesInsuranceKingdom of MoroccoDakhla AttitudeTourismKingdom of MoroccoDakhla Club HôtelTourismKingdom of MoroccoDakhla ExcursionTourism

Kingdom of MoroccoDakhlapesFrozen fisheryKingdom of MoroccoDakhla SeafoodFishery export

**Kingdom of Morocco** Dakhla Trans Service Tourism

**Kingdom of Morocco** Delta 3e Construction

**Kingdom of Morocco** Delta Ocean Fish derivatives

Kingdom of MoroccoDipromerFish freezingKingdom of MoroccoEco Green SystemsConstruction

**Kingdom of Morocco** E.i.c.3 sarl Civil engineering

Kingdom of Morocco El Delavilla Construction

**Kingdom of Morocco** Electroclim Laayoune Industrial refrigeration

Kingdom of Morocco

El Wakar Des Travaux
Générale

Construction

**Kingdom of Morocco** Ennarjissia (ets) Construction

Kingdom of Morocco

Entreprise Générale De
Construction Saharienne

Public/private construction

Kingdom of Morocco Ets Ahmed Koubaa Construction material

Kingdom of MoroccoEts KhmichConstructionKingdom of MoroccoEzz AamaConstruction

Kingdom of Morocco **Express Line Company** Freight transport

Boilermaker **Kingdom of Morocco** Extratec

**Kingdom of Morocco** Forages Sahara Drilling

**Kingdom of Morocco** Frigo Adnane Fishery export

**Kingdom of Morocco** Geospec Drilling

Kingdom of Morocco Gidital Construction

**Kingdom of Morocco** Gotame Civil engineering

Construction **Kingdom of Morocco** Hajar Tous Travaux

**Kingdom of Morocco Halieutes Process** Canned fish

Holding Sahara Tekna, **Kingdom of Morocco** Finance / Services Holsatek

**Kingdom of Morocco** Iglo Fish Fish Preparation-Export

INDUSAHA (Industrie

Construction material **Kingdom of Morocco** Sakia el Hamra)

Kingdom of Morocco

**Kingdom of Morocco** 

**Kingdom of Morocco** 

Jaalawi Frères **Kingdom of Morocco** K.b. Fish Fish derivatives

**Kingdom of Morocco** Laayoune Elevage Fish derivatives

Laayoune Khadamat Construction **Kingdom of Morocco** 

**Kingdom of Morocco** Laayoune Protein sarl Fish derivatives

**Kingdom of Morocco** Linkol Construction Kingdom of Morocco Mabal Construction

**Kingdom of Morocco** Maraichage du Sahara Agriculture

**Kingdom of Morocco** Marexp Fish Preparation- Export

Marsa Maroc - Port de Kingdom of Morocco Seaport management

Laâyoune

Medzal Construction

Construction

**Kingdom of Morocco** Miiik Agriculture

Module Sud Construction Kingdom of Morocco

Multibra Construction **Kingdom of Morocco** 

**Kingdom of Morocco** Oceamic Laayoune II Fishery

Office Chérifien des Kingdom of Morocco Phosphates phosphates (OCP)

**Kingdom of Morocco** Construction

> Omnuim Construction Genie Construction Civil Et Batiment

Ostreiculture de Dakhla Ostrichulture

**Kingdom of Morocco** 

Kingdom of Morocco Phosphates de Boucraa Phosphate mining Kingdom of Morocco Proxitrav Construction **Kingdom of Morocco** Rio de oro Voyages **Tourism Kingdom of Morocco** Rio Export Food export Rio Food **Kingdom of Morocco** Fishery export **Kingdom of Morocco Rio Trading** Construction Kingdom of Morocco Saga Sud Business advice **Kingdom of Morocco** Sahara Petrom Petrol and lubricants Sahara Sakane (Mina **Kingdom of Morocco** Construction Holding) Sakia El Hamra de **Kingdom of Morocco** Refueling ships Ravitaillement des Bateaux **Kingdom of Morocco** Sarma Fish Canned fish **Kingdom of Morocco** Sbai Africa Trans Dakhla Freight transport Sbayou Fishing Company **Kingdom of Morocco** Promotion of sea products (Mina Holding) Kingdom of Morocco S Consi Dakhla Freight transport **Kingdom of Morocco** Sepomer Fish derivatives **Kingdom of Morocco** Sigma Project Hotels/ Restaurants Sté Alfarabi Pour Les Construction **Kingdom of Morocco** Travaux Divers( A.l.t.d ) Société Azilatrav Btp Construction **Kingdom of Morocco** Société de Construction **Kingdom of Morocco** Construction Hassouni Sud Société d'Exploitation des **Kingdom of Morocco** Shipping Ports S.A. Société Khalij Dakhla de Construction **Kingdom of Morocco** Construction et Services Société Oubouhouch Financial and legal tax **Kingdom of Morocco** Services advice Société Pétroles Nord Petrol and lubricants **Kingdom of Morocco** Africain Kingdom of Morocco Promotion of sea products Socopo Solevatra Logistics & **Kingdom of Morocco** Industrial equipment hire Services Somagec Sud **Kingdom of Morocco** Construction **Kingdom of Morocco** Somatraps Fish derivatives **Kingdom of Morocco** Sotragel Fish derivatives Sud Comutel **Kingdom of Morocco** Industrial engineering Sud Emulsion et Bitume **Kingdom of Morocco** Bitumen manufacturer (Mina Holding)

Kingdom of Morocco Taamir Sahara Groupe Civil engineering

Kingdom of Morocco Tawarta Agriculture

**Kingdom of Morocco** Tinighir Ste Fishery / Agriculture

**Kingdom of Morocco** Univers Maritime Fishery

Kingdom of MoroccoWarm De ConstructionConstructionKingdom of MoroccoWell fishingFish export

Kingdom of Morocco Yakoubi Equipement Commercial and industrial

refrigeration

Netherlands Air France-KLM Group Aviation

NetherlandsJan de Nul GroupInfrastructureNetherlandsFugro NVOil and gasNew ZealandBallance Agri-Nutrients LtdPhosphatesNew ZealandRavensdown LtdPhosphates

Norway Sjøvik AS Fishery

Norway BW Epic Kosan Ltd Shipping

Portugal Gesto Energy Renewable Energy

Russia Murmansk Trawl Fleet Fishery

Russia EuroChem Group Phosphates

Saudi Arabia ACWA Power Renewable energy

Singapore BW Epic Kosan Ltd Shipping
South Africa Grindrod Shipping Pte Ltd Shipping

South Korea

Daewoo E&C and Korea
Port Engineering Corp

Infrastructure

Spain Marocco Catalane

Aquaculture

**Spain** Binter Canarias S.A. Aviation

SpainCEISAConstructionSpainCEMENGALConstructionSpainProyecto Dover S.LConstructionSpainAbengoa S.A.Desalination

Spain Compañía Española de Petróleos, S.A.U. Energy exports

**Spain** Repsol S.A. Energy exports

Spain Grupo Conservas Garavilla

(Isabel)

Fisheries

Aquaculture

SpainGrupo ProfandFisheriesSpainAngulas AguinagaFisheries

Spain Canosa Grupo Empresarial Fisheries Fisheries Spain Congelados Salgado Grupo Amasúa Spain Fisheries Spain Rosa de los vientos sl Fisheries Spain Viveros Merimar Fisheries **Spain** Discefa SLU Fisheries

Spain Siemens Gamesa Renewable

Energy S.A.

Renewable energy

**Spain** Ingeteam Corporación S.A. Renewable Energy

SpainTransportes Lasarte S.A.TransportSwedenBygging-Uddemann ABInfrastructureSwedenWisby Tankers ABShippingSwedenKite.seTourism

**Switzerland** ABC Maritime AG Energy exports

Switzerland ASEA Brown Boveri A(BB) Renewable energy

SwitzerlandHolcim LtdCementSwitzerlandSwissMarine Services SAShipping

Switzerland Crans Montana Forum Networking / Lobbying

TaiwanWisdom Marine GroupShippingTaiwanFranbo Sagacity SAShipping

**Turkey** Gümüşdoğa A.S Fishmeal imports

Turkey Ince Denizcilik ve Ticaret

AS

Shipping

United Arab Emirates Air Arabia PJSC Aviation

United Arab Emirates ADNOC Logistics &

Services

Shipping

United KingdomBiwater International LtdInfrastructureUnited KingdomGeoEx MCGOil and gas

United Kingdom Windhoist Ltd Renewable Energy

United Kingdom G4S Ltd Security
United Kingdom Hadley Shipping Co Ltd Shipping
United States Avis Budget Group Car rental

United States MoneyGram International MoneyGram MoneyGra

Inc.

Money transfer

United States Caterpillar Inc Phosphates
United States Innophos Holdings Inc Phosphates

United States General Electric Company Renewable Energy

<b>United States</b>	Harmattan Energy	Renewable Energy
<b>United States</b>	McDonald's Corporation	Restaurants
<b>United States</b>	Cargill International SA	Shipping
<b>United States</b>	Booking Holdings Inc	Tourism
<b>United States</b>	Expedia Group Inc	Tourism
<b>United States</b>	AMIDEAST	Training

<sup>(\*)</sup> Those companies belong to Al Mada Holding, which is a private investment fund, the majority of whose capital belongs to Siger, the Moroccan royal family's holding.