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Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Note verbale datée du 6 Octobre 2022, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente de la Namibie auprès de l'Office des Nations Unies à Genève

La Mission permanente de la République de Namibie auprès de l'Office des Nations Unies à Genève et des autres organisations internationales en Suisse a l'honneur de porter à l'attention du Président du Conseil des droits de l'homme et du Haut-Commissariat des Nations Unies aux droits de l'homme la communication ci-jointe du Front POLISARIO, relative au droit à l'autodétermination et à la souveraineté permanente du peuple du territoire non autonome du Sahara occidental sur ses ressources naturelles (voir annexe).

La Mission permanente de la République de Namibie demande que la présente note verbale et son annexe* soit publiées en tant que document du Conseil des droits de l'homme et distribuées à tous les membres du Conseil au titre du point 3 de l'ordre du jour.

* L'annexe est reproduite telle qu'elle a été reçue, dans la langue de l'original seulement.



**Annexe à la note verbale datée du 6 Octobre 2022,
adressée au Haut-Commissariat des Nations Unies
aux droits de l'homme par la Mission permanente
de la Namibie auprès de l'Office des Nations Unies
à Genève**

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.”¹

In its 1975 Advisory Opinion², 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 Morocco³ and the Human Rights Committee in

¹ 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.

² Western Sahara, Advisory Opinion, I.C.J. Reports 1975.

³ E/C.12/MAR/CO/4*.

its 2016 Concluding observations on the sixth periodic report of Morocco⁴, 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 ruling⁵ 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 Union⁶, 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 Sahara⁷.

⁴ CCPR/C/MAR/CO/6

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

⁶ See document A/HRC/44/G/20

⁷ 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 list⁸ 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

<i>Country</i>	<i>Company</i>	<i>Field of activity</i>
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

⁸ The list will be updated on a regular basis.

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
Germany	Warnemünder Hochseefischerei GmbH (Doggerbank Seefischerei GmbH)	Fisheries
Germany	Köster Marine Proteins GmbH	Fishmeal imports
Germany	Deutsche Post DHL Group	International Logistics
Germany	Siemens Energy AG	Renewable Energy
Germany	Siemens AG	Renewable energy
Germany	J Müller Weser GmbH & Co. KG	Shipping
Germany	Briese Schifffahrts	Shipping
Germany	Hamburger Lloyd	Shipping
Greece	Stealth Corp	Energy exports
Greece	Kataskevastiki J. Dimitriou Ltd	Infrastructure
Greece	Archirodon Group	Infrastructure
Greece	Common Progress Compania	Shipping
Greece	Empire Bulkers Ltd	Shipping
Greece	Sea World Management & Trading Inc	Shipping
Greece	Technomar Shipping Inc	Shipping
Greece	Unisea Shipping Ltd	Shipping
Greece	White Sea Navigation SA	Shipping
India	Larsen & Toubro Ltd	Infrastructure
India	Paradeep Phosphates Ltd	Phosphates
India	Sterling and Wilson	Renewable energy
Ireland	San Leon Energy PLC	Oil and gas
Israel	Ratio Petroleum Energy LP	Oil and gas
Italy	Italcementi Group	Cement
Italy	Eccher/DEAL	Infrastructure

Italy	Enel SpA	Renewable energy
Japan	Hitachi Ltd	Renewable energy
Lithuania	Baltlanta ZAO	Fisheries
Kingdom of Morocco	Attijariwafa Bank (*)	Finance
Kingdom of Morocco	Bank Assafa (*)	Finance
Kingdom of Morocco	Dar Al Moukawil (*)	Finance
Kingdom of Morocco	Inwi (*)	Telecommunications
Kingdom of Morocco	LafargeHolcim Maroc (*)	Building materials
Kingdom of Morocco	Marjane Holding (*)	Retail & Distribution
Kingdom of Morocco	Nareva (*)	Energy
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 Morocco	Wafa Assurance (*)	Insurance
Kingdom of Morocco	Wafacash (*)	Finance
Kingdom of Morocco	Wana Corporate (*)	Telecommunications
Kingdom of Morocco	Dakhla Kids (King's cousin Lalla Noufissa)	Hotels / Resorts
Kingdom of Morocco	Abd Daha	Construction
Kingdom of Morocco	Acacia Sud	Construction
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 Morocco	Aoulad Brahim T.p	Construction
Kingdom of Morocco	Azyosli	Construction
Kingdom of Morocco	Banque Marocaine du Commerce Extérieur (BMCE)	Finance
Kingdom of Morocco	Banque Populaire	Finance
Kingdom of Morocco	Bensalman	Construction
Kingdom of Morocco	BK Fish	Fish Preparation- Export

Kingdom of Morocco	Canafri(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
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 Morocco	Dakhla Assurances	Insurance
Kingdom of Morocco	Dakhla Attitude	Tourism
Kingdom of Morocco	Dakhla Club Hôtel	Tourism
Kingdom of Morocco	Dakhla Excursion	Tourism
Kingdom of Morocco	Dakhlapes	Frozen fishery
Kingdom of Morocco	Dakhla Seafood	Fishery export
Kingdom of Morocco	Dakhla Trans Service	Tourism
Kingdom of Morocco	Delta 3e	Construction
Kingdom of Morocco	Delta Ocean	Fish derivatives
Kingdom of Morocco	Dipromer	Fish freezing
Kingdom of Morocco	Eco Green Systems	Construction
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 Morocco	Ets Khmich	Construction
Kingdom of Morocco	Ezz Aama	Construction

Kingdom of Morocco	Express Line Company	Freight transport
Kingdom of Morocco	Extratec	Boilermaker
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
Kingdom of Morocco	Hajar Tous Travaux	Construction
Kingdom of Morocco	Halieutes Process	Canned fish
Kingdom of Morocco	Holding Sahara Tekna, Holsatek	Finance / Services
Kingdom of Morocco	Iglo Fish	Fish Preparation- Export
Kingdom of Morocco	INDUSAHA (Industrie Sakia el Hamra)	Construction material
Kingdom of Morocco	Jaalawi Frères	Construction
Kingdom of Morocco	K.b. Fish	Fish derivatives
Kingdom of Morocco	Laayoune Elevage	Fish derivatives
Kingdom of Morocco	Laayoune Khadamat	Construction
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
Kingdom of Morocco	Marsa Maroc - Port de Laâyoune	Seaport management
Kingdom of Morocco	Medzal	Construction
Kingdom of Morocco	Mijik	Agriculture
Kingdom of Morocco	Module Sud	Construction
Kingdom of Morocco	Multibra	Construction
Kingdom of Morocco	Oceamic Laayoune II	Fishery
Kingdom of Morocco	Office Chérifien des phosphates (OCP)	Phosphates
Kingdom of Morocco	Omiti	Construction
Kingdom of Morocco	Omnuim Construction Genie Civil Et Batiment	Construction
Kingdom of Morocco	Ostreiculture de Dakhla	Ostrichulture
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
Kingdom of Morocco	Rio Food	Fishery export
Kingdom of Morocco	Rio Trading	Construction
Kingdom of Morocco	Saga Sud	Business advice
Kingdom of Morocco	Sahara Petrom	Petrol and lubricants
Kingdom of Morocco	Sahara Sakane (Mina Holding)	Construction
Kingdom of Morocco	Sakia El Hamra de Ravitaillement des Bateaux	Refueling ships
Kingdom of Morocco	Sarma Fish	Canned fish
Kingdom of Morocco	Sbai Africa Trans Dakhla	Freight transport
Kingdom of Morocco	Sbayou Fishing Company (Mina Holding)	Promotion of sea products
Kingdom of Morocco	S Consi Dakhla	Freight transport
Kingdom of Morocco	Sepomer	Fish derivatives
Kingdom of Morocco	Sigma Project	Hotels/ Restaurants
Kingdom of Morocco	Sté Alfarabi Pour Les Travaux Divers(A.l.t.d)	Construction
Kingdom of Morocco	Société Azilatrav Btp	Construction
Kingdom of Morocco	Société de Construction Hassouni Sud	Construction
Kingdom of Morocco	Société d'Exploitation des Ports S.A.	Shipping
Kingdom of Morocco	Société Khalij Dakhla de Construction et Services	Construction
Kingdom of Morocco	Société Oubouhouch Services	Financial and legal tax advice
Kingdom of Morocco	Société Pétroles Nord Africain	Petrol and lubricants
Kingdom of Morocco	Socopo	Promotion of sea products
Kingdom of Morocco	Solevatra Logistics & Services	Industrial equipment hire
Kingdom of Morocco	Somagec Sud	Construction
Kingdom of Morocco	Somatrap	Fish derivatives
Kingdom of Morocco	Sotragel	Fish derivatives
Kingdom of Morocco	Sud Comutel	Industrial engineering
Kingdom of Morocco	Sud Emulsion et Bitume (Mina Holding)	Bitumen manufacturer

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 Morocco	Warm De Construction	Construction
Kingdom of Morocco	Well fishing	Fish export
Kingdom of Morocco	Yakoubi Equipement	Commercial and industrial refrigeration
Netherlands	Air France-KLM Group	Aviation
Netherlands	Jan de Nul Group	Infrastructure
Netherlands	Fugro NV	Oil and gas
New Zealand	Ballance Agri-Nutrients Ltd	Phosphates
New Zealand	Ravensdown Ltd	Phosphates
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	Aquaculture
Spain	Binter Canarias S.A.	Aviation
Spain	CEISA	Construction
Spain	CEMENGAL	Construction
Spain	Proyecto Dover S.L	Construction
Spain	Abengoa 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
Spain	Grupo Profand	Fisheries
Spain	Angulas Aguinaga	Fisheries

Spain	Canosa Grupo Empresarial	Fisheries
Spain	Congelados Salgado	Fisheries
Spain	Grupo Amasúa	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
Spain	Transportes Lasarte S.A.	Transport
Sweden	Bygging-Uddemann AB	Infrastructure
Sweden	Wisby Tankers AB	Shipping
Sweden	Kite.se	Tourism
Switzerland	ABC Maritime AG	Energy exports
Switzerland	ASEA Brown Boveri A(BB)	Renewable energy
Switzerland	Holcim Ltd	Cement
Switzerland	SwissMarine Services SA	Shipping
Switzerland	Crans Montana Forum	Networking / Lobbying
Taiwan	Wisdom Marine Group	Shipping
Taiwan	Franbo Sagacity SA	Shipping
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 Kingdom	Biwater International Ltd	Infrastructure
United Kingdom	GeoEx MCG	Oil 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 Inc.	Money transfer
United States	Caterpillar Inc	Phosphates
United States	Innophos Holdings Inc	Phosphates
United States	General Electric Company	Renewable Energy

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

(*) 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.
