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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 63/105, summarizes the reports that have been submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara from 1 July 2008 to 30 June 2009.

* A/64/150.



1. On 18 December 2008, the General Assembly adopted, without a vote, resolution 63/105 on the question of Western Sahara. The Secretary-General, in close cooperation with the Chairperson of the Commission of the African Union, has continued to exercise his good offices with the parties concerned. The present report, covering the period from 1 July 2008 to 30 June 2009, is submitted in accordance with paragraph 7 of resolution 63/105.

2. Pursuant to Security Council resolution 1813 (2008), the Secretary-General submitted a report dated 13 April 2009 (S/2009/200 and Corr.1) to the Security Council on the situation concerning Western Sahara. In that report, the Secretary-General informed the Council that following the end of the mandate of his Personal Envoy, Peter van Walsum, in August 2008, the Secretariat held numerous discussions with the parties and other interested actors regarding a fifth round of negotiations. In September 2008, the Secretary-General met with the Minister for Foreign Affairs and Cooperation of Morocco, Taïb Fassi Fihri, and discussed with him how best to move the negotiating process forward. The Under-Secretary-General for Political Affairs, B. Lynn Pascoe, visited Morocco on 14 and 15 October 2008 for further discussions on the issue. On 4 November, the Secretary-General met with the Secretary-General of the Frente Polisario, Mohamed Abdelaziz. At those meetings, the Secretary-General reiterated to the parties the commitment of the United Nations to pursuing the process of negotiations as mandated by the Security Council and emphasized the fact that future negotiations would build on the progress made in the four rounds of talks held in Manhasset, United States of America, and that his new Personal Envoy would be guided by Council resolution 1813 (2008) and earlier resolutions. The Personal Envoy would also take into account the progress made to date in the quest to achieve a just, durable and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

3. In January 2009, the Secretary-General appointed Christopher Ross as his new Personal Envoy. Since then, Mr. Ross has held consultations with representatives of Morocco and the Frente Polisario as well as with representatives of the neighbouring countries, Algeria and Mauritania, and with other interested countries. From 17 to 28 February and from 22 June to 1 July, he undertook two missions to the region for in-depth consultations with the parties and neighbouring States on ways to move the process of negotiations into a more intensive and substantive phase. In addition, the Personal Envoy visited the capitals of Spain, France and the United States as members of the Group of Friends of Western Sahara for consultations on the negotiations. Subsequent to his exploratory visits to the region, the Personal Envoy informed the Secretary-General that, during his meetings in Rabat, Tindouf, Nouakchott and Algiers, all of his interlocutors had confirmed their commitment to cooperating with the United Nations with a view to reaching a solution to the issue of Western Sahara as soon as possible, as a prerequisite for the stability, integration and development of the region and for the return of the Western Saharan refugees to normal life. The Personal Envoy informed the Secretary-General that the positions of the parties had not changed since the fourth round of negotiations, held at Manhasset from 16 to 18 March 2008, and remained far apart on ways to achieve a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara, as called for by the Security Council (see S/2008/251, para. 43).

4. As for maintenance of the ceasefire, the Secretary-General informed the Security Council that overall, the situation remained calm in the Territory and that the United Nations Mission for the Referendum in Western Sahara (MINURSO) continued to enjoy good relations with the parties. Violations of military agreement No. 1 by both parties, excluding those pertaining to the freedom of movement of MINURSO military observers, decreased. MINURSO observed and recorded 11 new violations by the Royal Moroccan Army, a slight decrease compared with the 14 recorded between April 2007 and April 2008, and 7 new violations by the Frente Polisario, a significant decrease compared with the 22 recorded during the same period in 2007-2008. There had been no change in the status of long-standing violations by both sides since the previous report of the Secretary-General to the Council (S/2008/251).

5. With regard to humanitarian activities and efforts led by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP), the provision by WFP of 125,000 monthly general feeding rations to Western Saharan refugees continued, along with school feeding and supplementary feeding for malnourished children under five years old and for pregnant women and nursing mothers. Despite those efforts, a nutrition assessment study conducted in May 2008 by WFP and Médicos del Mundo, a Spanish non-governmental organization, revealed that malnutrition remained a major problem in the camps. Following an inter-agency initiative to develop a nutrition strategy, WFP and UNHCR launched a joint mission aimed at enhancing the impact of their nutrition interventions.

6. With regard to confidence-building measures, between April 2008 and March 2009, 36 round-trip family visits were conducted, and 1,114 persons travelled to the refugee camps near Tindouf, while 1,088 travelled to cities in the Territory west of the berm. Free-of-charge telephone service between the refugees in the Tindouf camps and their family members in the Territory continued to be provided through telephone centres in four refugee camps. Between January 2004, when the service was launched, and March 2009, more than 105,705 telephone calls were made. Following the talks held between the representatives of Morocco and the Frente Polisario in Manhasset in March 2008, and pursuant to Security Council resolution 1813 (2008), UNHCR embarked on a process of negotiations with the concerned parties with a view to expanding family visits through land transportation. To that end, UNHCR is seeking the agreement of the Frente Polisario and Morocco, as well as of the Government of Algeria, on road transportation modalities. UNHCR is also considering the introduction of additional activities, including joint summer camps for children from the Territory and the refugee camps, as well as the exchange of family visits on special social occasions, such as weddings, funerals and the hajj. UNHCR has made several proposals to the parties and kept the donor community involved. The proposal to expand the programme of confidence-building measures comes in response to the frustration expressed by the beneficiaries with regard to the relatively limited capacity of the present programme.

7. As for human rights, international non-governmental organizations concerned with human rights and other sources have reported the alleged harassment and arrest of Western Saharan human rights and political activists, and pointed to incidents where the rights to freedom of expression, association and assembly appeared to have been compromised by Moroccan authorities in the Territory. During the period

under review, the Secretary-General of the Frente Polisario wrote to the Secretary-General on a number of occasions to express concern about alleged violations of the human rights of Western Saharans in the Territory. In addition, Moroccan media reported alleged human rights abuses in the Western Saharan refugee camps near Tindouf. On several occasions, in meetings with senior United Nations officials, Moroccan interlocutors expressed concern over the deteriorating humanitarian situation of the refugees in the Tindouf camps and alleged violations of their human rights.

8. In his observations and recommendations, the Secretary-General welcomed the commitment of the parties to continuing the process of negotiations as stated in the final communiqué issued at their fourth round of talks, held in March 2008 in Manhasset, a position which was reiterated in the meetings held with the Personal Envoy during his visits to the region in February and June 2009. The Personal Envoy suggested to the parties that one or more small, informal preparatory meetings be held. The parties indicated their agreement with this approach and the first informal meeting was scheduled for 9 to 12 August 2009 in Austria.

9. After consideration of the report of the Secretary-General on the situation concerning Western Sahara (S/2009/200), on 30 April 2009 the Security Council unanimously adopted resolution 1871 (2009), in which it called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring implementation of resolutions 1754 (2007), 1783 (2007) and 1813 (2008) and the success of negotiations, and affirmed its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara. The Council also called upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect. The Council decided to extend the mandate of MINURSO until 30 April 2010.