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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

I. Reports and good offices of the Secretary-General

1. Pursuant to General Assembly resolution [75/106](#), the Secretary-General submitted to the Assembly at its seventy-sixth session a report on the question of Western Sahara ([A/76/388](#)). The report covered the period from 1 September 2020 to 31 August 2021 and contained a review of the activities carried out by the Secretary-General in the exercise of his good offices.
2. During the period under review, pursuant to Security Council resolution [2548 \(2020\)](#), the Secretary-General also submitted a report, on 1 October 2021, to the Security Council on the situation concerning Western Sahara ([S/2021/843](#)). The present working paper provides a summary of the aforementioned reports, with additional information regarding the consideration of that question by the Security Council and the General Assembly.
3. In its resolution [2548 \(2020\)](#), adopted on 30 October 2020, the Security Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2021. In the same resolution, the Council called upon the parties to resume 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 that respect; and invited Member States to lend appropriate assistance to those talks.
4. The report of the Secretary-General to the Security Council ([S/2021/843](#)) covered developments since his previous report dated 23 September 2020 ([S/2020/938](#)) and provided, among other things, information on the situation on the ground, the status of political negotiations on Western Sahara, the implementation of



resolution [2548 \(2020\)](#) and the existing challenges to the Mission's operations and steps taken to address them.

5. In his report, the Secretary-General informed the Security Council that the situation in Western Sahara had significantly deteriorated since his previous report ([S/2020/938](#)). The resumption of hostilities between Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO) and the ongoing coronavirus disease (COVID-19) pandemic had considerably changed the operational environment of MINURSO, limiting the Mission's ability to implement its mandate.

6. Between 18 and 29 October 2020, MINURSO had observed nine generally peaceful protests by groups of up to 80 Sahrawi civilians, near the berm and at MINURSO team sites in Agwanit, Bir Lahlou, Mehaires, Mijek and Tifariti. The demonstrators had conveyed to MINURSO a number of demands, including that "a referendum be held" and a solution be found to the status of the Territory; that the road in the buffer strip at Guerguerat be permanently closed; and that "Sahrawi political prisoners be released from Moroccan jails". In each instance, the protests had dispersed peacefully on the same day without security incidents.

7. On 21 October 2020, MINURSO had observed that a group of approximately 50 people were present in the buffer strip at Guerguerat. Demonstrators set up a roadblock at the paved portion of the road inside the buffer strip, obstructing all traffic between the Territory and Mauritania.

8. From 22 to 29 October, MINURSO helicopter reconnaissance over Guerguerat had observed the presence in the buffer strip of up to 12 armed Frente POLISARIO personnel in military uniform and up to eight military-style light vehicles, two of which had mounted heavy weapons.

9. On 30 October 2020, the same day as the adoption by the Security Council of resolution [2548 \(2020\)](#), Frente POLISARIO issued a press release reaffirming its decision of 30 October 2019 to "reconsider its engagement" in the political process on Western Sahara and stating that it would "intensify the national liberation struggle in face of inaction of the United Nations to ensure MINURSO implementation of its mandate".

10. Starting on 26 October, MINURSO helicopter reconnaissance had observed 16 Royal Moroccan Army vehicles west of the berm, carrying heavy-duty earth-moving machinery in the direction of Guerguerat.

11. On 6 November, MINURSO helicopter reconnaissance had observed the arrival of a Royal Moroccan Army military force comprising approximately 250 vehicles, many with heavy weapons, about 12 km north-east of Guerguerat in the area defined under military agreement No. 1 as the restricted area.

12. On 7 November, King Mohammed VI of Morocco had delivered a speech on the occasion of the forty-fifth anniversary of the Green March rejecting the "unacceptable practices designed to disrupt the normal flow of traffic between Morocco and Mauritania" and asserting that Morocco would "respond, with the utmost firmness and resolve, to any practices or attempts designed to undermine the security and stability of its southern provinces".

13. In a letter dated 12 November, King Mohammed VI had urged the Secretary-General to "redouble" his efforts to find a prompt and definitive end to the "acts of intolerable and destabilizing provocations" by Frente POLISARIO in the buffer strip at Guerguerat. The letter had added that "the Kingdom of Morocco ... by virtue of its responsibilities and in full compliance with international legality, [had] reserve[d] the

right to act, at the time and in the manner it [had] deem[ed] necessary, in order to safeguard the status of the zone and restore free movement”.

14. On the morning of 13 November, MINURSO had observed the protestors in the buffer strip at Guerguerat and the armed Frente POLISARIO elements abruptly departing the site of the demonstration. Shortly thereafter, an exchange of fire had been heard, including two gunshots from the direction of Frente POLISARIO positions and heavy weapons fire from the direction of the berm adjacent to where the Royal Moroccan Army had deployed (see paras. 10 and 11 above). Royal Moroccan Army elements had been then observed arriving at the site the protestors had held in the buffer strip. No casualties had been reported to MINURSO from the day’s events. That evening, MINURSO helicopter reconnaissance, which had not been able to fly earlier due to the live-fire conditions, had observed three new breaches across the berm south-east of Guerguerat. Approximately 6 km east of the paved road, MINURSO helicopter reconnaissance had observed that Royal Moroccan Army bulldozers had begun constructing a new sand wall through the buffer strip.

15. In a letter addressed to the Secretary-General of the United Nations the same day, the Secretary-General of Frente POLISARIO, Brahim Ghali, had condemned “the brutal attack on unarmed Sahrawi civilians” noting that “the military operation by Moroccan forces [had been] an act of aggression and a flagrant violation of the ceasefire”, which “the United Nations and the Security Council should condemn in the strongest terms”. In a statement issued the same day, the Moroccan Minister for Foreign Affairs had noted that Moroccan actions at Guerguerat took place in a “peaceful manner, without clashes or threat to the safety of civilians”.

16. On 14 November, Mr. Ghali had issued a “decree” declaring “an end of [the Frente POLISARIO] commitment to the ceasefire”, and “the consequent resumption of armed struggle in defence of the legitimate rights of [the Sahrawi] people”.

17. In the days leading up to the events of 13 November 2020, the United Nations had been involved in multiple initiatives and contacts with the parties, neighbours and other stakeholders to avoid an escalation of the situation and to warn against violations of the ceasefire and the serious consequences of any changes to the status quo. On 19 November, the Secretary-General had written to King Mohammed VI urging Morocco to exercise maximal restraint to avoid further escalation and to return to the status quo ante. On the same day, in a letter to Mr. Ghali, the Secretary-General had urged Frente POLISARIO to avoid any further escalation and allow space for the political process to resume. Responding to the Secretary-General’s letter, on 21 November, King Mohammed VI had asserted that the actions of Morocco at Guerguerat had been “irreversible” while noting that Morocco had remained “committed to the ceasefire”. Separately, in a letter to the Secretary-General on 2 December 2020, Mr. Ghali had stated that Frente POLISARIO “ha[d] been left with no other option but to exercise its sacred right to self-defence”.

18. Since then, low-intensity hostilities had continued, with regular reports by the Royal Moroccan Army and Frente POLISARIO of shots fired across the berm. According to MINURSO calculations based on reporting by the parties, the incidence of reported firing had decreased since January and had primarily been concentrated in the north of the Territory near Mahbas.

19. During the reporting period, Bahrain, Burkina Faso, Equatorial Guinea, Eswatini, Guinea-Bissau, Haiti, Jordan, Libya, Malawi, Senegal, Sierra Leone, Suriname, the United Arab Emirates and Zambia had inaugurated or announced their intention to inaugurate “Consulates General” in Laayoune or Dakhla. In letters addressed to the Secretary-General on 23 October 2020, 28 October 2020, 4 November 2020, 15 December 2020, 17 December 2020, 19 December 2020, 5 March 2021, 6 April 2021 and 30 August 2021, Mr. Ghali had called those

diplomatic representations a “violation of international law and ... breach of the international legal status of Western Sahara as a Non-Self-Governing Territory”.

20. On 10 December 2020, in a presidential proclamation, the United States of America had recognized “Moroccan sovereignty over the entire Western Sahara territory” and reaffirmed its “support for Morocco’s serious, credible and realistic autonomy proposal as the only basis for a just and lasting solution to the dispute”. In a letter sent on 17 December, the Acting Coordinator of Frente POLISARIO had underscored that the proclamation had been “a regrettable and unilateral position that [had] violate[d] the [United Nations] Charter and resolutions”. On 24 December, the United States had announced that it would inaugurate a “virtual presence post for Western Sahara”.

21. West of the berm, Morocco had continued investing in infrastructure development during the reporting period. Frente POLISARIO considered such investments an attempt “to consolidate and normalize [the] military occupation and the illegal annexation of parts of Western Sahara” ([S/2020/938](#), para. 8).

22. Turning to activities of MINURSO, the overall impact of the COVID-19 pandemic on MINURSO operational activities had remained moderate.

23. West of the berm, the Royal Moroccan Army had regularly reiterated to MINURSO its commitment, in principle, to the ceasefire, while exercising the right to respond to actions by Frente POLISARIO. MINURSO had continued to exercise its freedom of movement west of the berm, although, owing to security and safety concerns, ground patrols and helicopter reconnaissance flights had been only able to operate at a safe distance of initially 30 km and 15 km away from the berm, respectively, until 19 July, when limited ground patrols had resumed to up to 2 km from the berm in areas where no exchanges of fire had been reported. Cooperation and communications at the strategic level between the MINURSO Force Commander and the Commander of the Royal Moroccan Army in the southern sector in Agadir, Morocco, had remained unaltered.

24. East of the berm, MINURSO had encountered significant limitations to its freedom of movement. In his letter of 1 February (see para. 17 above), the Frente POLISARIO Coordinator had informed MINURSO that, to “ensure the security and safety of MINURSO personnel”, there had been “reasonable ground for believing that conducting ground convoys [had] remain[ed] highly risky and therefore inadvisable”. The same had been reiterated in a letter from the Staff Coordinator of the Frente POLISARIO military forces to the MINURSO Force Commander on 1 June.

25. As a result, MINURSO had been unable to conduct ground patrols beyond a 20 km radius from each team site east of the berm, or any helicopter reconnaissance. Ground patrols had also not been possible inside the units of Frente POLISARIO and had been required to remain at least 200 m from them. As at 31 August 2021, the MINURSO Force Commander had been unable to establish direct contact with the leadership of the Frente POLISARIO armed forces, and all communications had been conducted in writing only.

26. As a result of those limitations, MINURSO had been unable to directly observe the exchange of fire across the berm or verify the specific details of individual incidents. Instead, the Mission had relied on information provided daily by the parties, which it had not been able to independently verify.

27. Between 1 September 2020 and 12 November 2020, the violations working group of MINURSO had not declared any violations of military agreement No. 1. The mechanism had been suspended following the events of November 2020, and possible violations by the parties since that date had not been formally addressed.

28. The Mission had continued to observe and record reports of any changes in the military presence and installations by the parties despite the suspension of the violations working group. With the construction of an approximately 20 km long new sand wall at Guerguerat, the Royal Moroccan Army had consolidated its presence over some 40 km² of land in the buffer strip. The portion of the road that had been left unpaved in 2016 had since been upgraded, but not paved. MINURSO had been unable to confirm reports by Frente POLISARIO that new mines had been laid in the area.

29. Events in the Territory have significantly affected MINURSO mine action operations during the reporting period. On 3 October 2020, mine action activities had resumed east of the berm, after they had been previously suspended at the start of the COVID-19 pandemic owing to the closure of the border between Algeria and Western Sahara on 20 March 2020 (S/2020/938, para. 37). After only five weeks, regular mine action activities had been once again suspended east of the berm as a result of the resumption of hostilities in November 2020.

30. During the reporting period, mine action activities had been limited to an emergency explosive ordnance disposal response team conducting emergency disposal of explosive ordnance, route verification and combined explosive ordnance risk education and COVID-19 prevention messaging for civilians. Owing to the suspension of operations, no land release activities had been able to be conducted.

31. With regard to the assistance to the protection of refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR) had continued to provide international protection and, together with the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP), had delivered humanitarian assistance to the Sahrawi refugees living in the five camps near Tindouf, Algeria.

32. The already fragile socioeconomic situation in the camps had further deteriorated as a result of the COVID-19 pandemic. In March 2021, the camps had been affected by a second wave, and in mid-July a third wave, the worst to date, resulting in more than 1,040 cases, including 48 fatalities. Camp-based Sahrawi refugees had continued to report widespread losses of income, jobs and shortages of cash, resulting in reduced purchasing power and thus increased difficulties in addressing their basic needs. Access to health, sanitation, energy and food had been of pressing concern among the refugee population. The overall nutritional situation of the Sahrawi refugees remained precarious as the related indicators had steadily declined over the years.

33. Throughout the COVID-19 waves, humanitarian actors have maintained the delivery of essential, life-saving assistance to Sahrawi refugees.

34. UNHCR and WFP had continued to work together to mitigate and prevent rising malnutrition among the vulnerable population, especially pregnant and lactating women, and children. That joint response had helped diversify the diets of the refugee population, though they had continued to be almost entirely dependent on humanitarian assistance. New procedures for the distribution of food and vouchers in compliance with social distancing guidelines had been implemented.

35. UNICEF had provided support for maternal and child health programmes in the Sahrawi refugee camps. UNICEF had also supported the setting up of distance learning courses through local television and had conducted an analysis on out-of-school children and the education management information system, which would serve as the foundation for a five-year strategy for the Sahrawi education sector.

36. In 2020, there had been a notable increase in humanitarian contributions following the launch of the COVID-19 joint appeal for approximately \$15 million issued by UNHCR, WFP, UNICEF and five non-governmental organizations (NGOs)

in April 2020. The three agencies had received approximately 60 per cent of their overall needs in response to the COVID-19 situation. Nevertheless, the programme for the camps in Tindouf remained extremely vulnerable.

37. The confidence-building measures, pursuant to Security Council resolution [1282 \(1999\)](#) and subsequent resolutions, to allow family links between Sahrawi refugees in the Tindouf camps and their communities of origin in the Territory of Western Sahara, had remained on hold.

38. With regard to human rights, in its resolution [2548 \(2020\)](#), the Security Council had strongly encouraged enhancing cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including through facilitating visits to the region. OHCHR had been unable to conduct any visits to the region for the sixth consecutive year. Lack of access by OHCHR to Western Sahara had continued to result in substantial gaps in human rights monitoring in the Territory.

39. OHCHR remained concerned by reports of undue restrictions imposed by Morocco on the rights to freedom of expression, peaceful assembly and association in Western Sahara, especially following the developments in November 2020,¹ as well as reports of unnecessary and disproportionate use of force by Moroccan security forces to disperse protests and the conduct of house raids without warrants, arbitrary arrests and detention, unlawful and arbitrary surveillance, harassment, intimidation and destruction of property.

40. On 28 July 2021, the Secretary-General had received a letter from Frente POLISARIO on “the increasingly alarming situation in Western Sahara” and alleged human rights violations in Western Sahara in the aftermath of 13 November 2020. The Secretary-General had received letters from Morocco on 9 August, 13 August and 31 August 2021 that had provided information concerning efforts “to promote and protect human rights and fundamental freedoms” in the Territory. Those had included information on the specific incidents outlined in the regular reports of the Secretary-General to the Security Council, as well as information regarding “manoeuvres of political instrumentalization of the events of Gdeim Izik” and information regarding alleged human rights violations in the Tindouf camps.

41. The COVID-19 crisis had continued to have an adverse impact on the human rights of Sahrawi civilians in the camps in Tindouf, which had been reportedly compounded by limited access to humanitarian aid. While the effects of the pandemic had further decreased the commercial and economic activities of the camps, OHCHR had received allegations from Morocco and NGOs that Frente POLISARIO had misappropriated funds and aid in the camps.

42. On 6 December 2020, the Assembly of Heads of State and Government of the African Union had held its fourteenth extraordinary session on Silencing the Guns in Africa. In paragraph 15 of its decision 1 (XIV), the Assembly had “expresse[d] deep concern over the escalating military tensions between Morocco and the Sahrawi Republic” in Guerguerat. The declaration had, inter alia, “call[ed] on the United Nations Secretary-General to appoint a Special Envoy for Western Sahara”. On 9 March 2021, the African Union Peace and Security Council had held its 984th meeting on the follow-up on the implementation of paragraph 15 of the decision on Silencing the Guns of the fourteenth extraordinary session.

43. In his observation and recommendations, the Secretary-General was deeply concerned by the developments in Western Sahara during the reporting period. The status of the buffer strip as a demilitarized zone remained a cornerstone of a peaceful solution to the situation of Western Sahara. The resumption of hostilities between

¹ See also A/HRC/48/28, annex II.

Morocco and Frente POLISARIO was a major setback to the achievement of a political solution to this longstanding dispute. Since then, daily incursions into that zone and hostilities between the parties had significantly undermined the arrangements that have been the basis for a ceasefire for the past 30 years. There remained a clear risk of escalation while hostilities persisted. The Secretary-General therefore called upon the parties to de-escalate the situation and immediately cease hostilities. In that context, the resumption of the political process could not be more urgent.

44. The Secretary-General remained confident that a solution was possible despite the recent significant setback. Now more than ever, finding a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara in accordance with resolutions [2440 \(2018\)](#), [2468 \(2019\)](#), [2494 \(2019\)](#) and [2548 \(2020\)](#) required strong political will from the parties, as well as from the international community. The Secretary-General reiterated his call upon Security Council members, friends of Western Sahara and other relevant actors to encourage Morocco and Frente POLISARIO to engage in good faith and without preconditions in the political process as soon as his new Personal Envoy was appointed.

45. In addition, the lack of trust between the parties had continued to be exacerbated by unilateral assertive actions and symbolic gestures in the Territory which had had a negative impact on the situation. Such gestures and actions were a source of increased tension and ran contrary to the spirit of a negotiated solution. The Secretary-General urged the parties to refrain from rhetoric and actions that were harmful, and for Western Sahara's international partners to continue to reiterate their support for the achievement of a just, lasting and mutually acceptable political solution to the question of Western Sahara through negotiation.

46. Neighbouring states had a vital role in the achievement of a solution to the question of Western Sahara. In this connection, the deterioration in relations between Morocco and Algeria was of concern. The Secretary-General encouraged the two neighbouring countries to find a way forward to mend relations, including in support of regional cooperation and peace and security.

47. The Secretary-General reiterated his call to the parties to respect, protect and promote the human rights of all people in Western Sahara, including by addressing outstanding human rights issues and enhancing cooperation with OHCHR and the United Nations human rights mechanisms, and to facilitate their monitoring missions. Independent, impartial, comprehensive and sustained monitoring of the human rights situation was necessary to ensure the protection of all people in Western Sahara.

48. Despite the significant challenges described in the present report, MINURSO remained the main and often sole source of impartial information and advice to the Secretary-General, the Security Council, the Member States and the Secretariat concerning developments in the Territory. In that regard, it continued to provide visible and enduring testimony to 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 resolutions [2440 \(2018\)](#), [2468 \(2019\)](#), [2494 \(2019\)](#) and [2548 \(2020\)](#). The Secretary-General therefore recommended that the Council extend the mandate of MINURSO for another year, until 31 October 2022.

II. Consideration by the Security Council

49. Following its consideration of the report of the Secretary-General, the Security Council adopted resolution [2602 \(2021\)](#) on 29 October 2021, by which it decided to extend the mandate of MINURSO until 31 October 2022. In the same resolution, welcoming the appointment of the Personal Envoy of the Secretary-General for Western Sahara, Staffan de Mistura, and urging the constructive resumption of the political process, building on the progress of the former Personal Envoy, the Council expressed its full support for the Secretary-General and his Personal Envoy to facilitate the negotiations process in order to achieve a solution to the Western Sahara question.

50. The Council emphasized the need to achieve a realistic, practicable and enduring political solution to the question of Western Sahara based on compromise, and called upon the parties to resume 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 that respect. The Council also emphasized the importance of a renewed commitment by the parties to advancing the political process in preparation for further negotiations and called upon the parties to demonstrate political will and work in an atmosphere propitious for dialogue in order to advance negotiations.

III. Consideration by the General Assembly

51. During the debate held by the Special Political and Decolonization Committee (Fourth Committee) from 19 October to 3 November 2021, Member States addressed, among other things, the issue of Western Sahara. Member States welcomed the appointment of the new Personal Envoy of the Secretary-General for Western Sahara, Staffan de Mistura, and hoped for the resumption of the political process. Some supported the position of Morocco and its autonomy plan, while others expressed support for the right of the Sahrawi people to self-determination (see [A/C.4/76/SR.8](#), [A/C.4/76/SR.9](#), [A/C.4/76/SR.10](#), [A/C.4/76/SR.11](#), [A/C.4/76/SR.12](#), [A/C.4/76/SR.13](#) and [A/C.4/76/SR.14](#)).

52. At its 15th meeting, on 9 November, the Committee had before it a draft resolution entitled “Question of Western Sahara” ([A/C.4/76/L.6](#)), submitted by the Chair, which it adopted without a vote.

53. On 9 December, the General Assembly adopted the draft resolution, without a vote, as resolution [76/89](#). In that resolution, the Assembly, among other things, welcomed the commitment of the parties to continue to show political will and work in an atmosphere propitious for dialogue, also welcomed the ongoing negotiations between the parties, called upon the parties to cooperate with the International Committee of the Red Cross and to abide by their obligations under international humanitarian law, requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its seventy-seventh session and invited the Secretary-General to submit to the Assembly at its seventy-seventh session a report on the implementation of the resolution.