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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1185 (1998) of 20 July 1998, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 21 September 1998. The Council also requested me to report to it every 30 days on the progress of the implementation of the Settlement Plan for Western Sahara (S/21360 and S/22464 and Corr.1) and the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III (S/1997/742, annexes I-III). The present report covers developments since my previous report to the Council dated 18 August 1998 (S/1998/775).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

A. Identification process

2. During the month of August 1998, the identification of all applicants from tribes other than the H41, H61 and J51/52 tribal groupings drew to a close. As announced by MINURSO in a press release issued on 3 September 1998, all applicants from tribal groups other than H41, H61 and J51/52 have been convoked and their identification may now be regarded as complete, with the exception of those few cases mentioned in paragraph 3 below. Thus, as at 2 September, a total of 147,350 applicants had been interviewed by the Identification Commission, including 60,112 during the first phase of the process from August 1994 to December 1995 and 87,238 since its resumption on 3 December 1997. During September, the Identification Commission will continue the review of identification files, with a view to finalizing the provisional voters list.

3. During the latter part of August, the Moroccan authorities reiterated their refusal to identify in Mauritania persons who had registered in the Tindouf camps in Algeria. In addition, they did not submit to MINURSO expected proposals as to the date and place of convocation of several hundred registered applicants resident abroad. The applicants concerned, in Mauritania and

resident abroad, could use the appeals process in order to seek inclusion in the voters list.

4. No proposals have been forthcoming from either party that would permit the resumption of identification of applicants from tribal groupings H41, H51 and J51/52. This issue remains therefore the major outstanding problem in the identification process. My Special Representative, Mr. Charles F. Dunbar, continues to seek ways of breaking the deadlock.

B. Military aspects

5. As at 10 September 1998, the strength of the military component of MINURSO stood at 453 observers and other military personnel (see annex). This includes the engineering and demining units deployed in accordance with Security Council resolution 1148 (1998) of 26 January 1998. Under the command of Major-General Bernd S. Lubenik (Austria), the military component of the Mission continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm, and there have been no indications that either side intends to resume hostilities.

6. The MINURSO formed military units (FMUs) deployed the remainder of their personnel and equipment to the Mission area in early August, in accordance with the provisions of the military agreement between MINURSO and Morocco of 23 July 1998. The Royal Moroccan Armed Forces have abided by the agreement and have been very helpful during the reporting period in providing transportation, recovery and logistical assets to the FMUs, as well as in the provision of mine and unexploded ordnance information.

7. The engineering support unit from Pakistan continued with its construction work for logistical and accommodation purposes, in order to prepare for and support the full deployment of MINURSO. The demining unit from Sweden proceeded with the demining of those areas needed for the future deployment of United Nations civilian and military personnel. Demining of sites for the repatriation of refugees eligible to vote and their immediate families, as well as other Saharans resident outside the Territory, was also started. However, demining cannot be completed until arrangements for the implementation of the repatriation programme are finalized between MINURSO and the two parties. In the meantime, the Swedish unit will have completed the demining activities required thus far, by the time its contract expires on 25 October 1998. Arrangements will have to be made in due course, in order to complete the demining tasks related to the repatriation programme.

8. In spite of the progress made, the operational capabilities of these FMUs remain constrained, as their communication equipment has yet to be released by the Moroccan authorities from Laayoune airport.

9. During the reporting period, the Secretariat received positive replies from Algeria and Mauritania to its comments on their earlier responses to the draft status-of-forces agreement on MINURSO. It is expected that the agreements with these two Governments may be signed shortly. A reply to the draft status-of-

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forces agreement was received from Morocco and is currently being reviewed by the Secretariat.

C. Civilian police aspects

10. The strength of the civilian police component of MINURSO remains at 81 police officers, under the direction of the Civilian Police Commissioner, Chief Superintendent Peter Miller (Canada). The civilian police component completed the greater part of its mandate of assisting the Identification Commission. However, it continues to collaborate with the Office of the United Nations High Commissioner for Refugees (UNHCR) in the planning process for the repatriation of refugees, and to participate in the MINURSO working group on legal and administrative issues relating to the transitional period.

D. Preparatory work for the repatriation of Saharan refugees

11. During the reporting period, UNHCR continued with its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan. In the Tindouf camps of Algeria, 31,000 refugees have been pre-registered thus far, and at Zouerate and Nouadhibou in Mauritania, 23,000 persons have been pre-registered. The exercise was completed in Mauritania on 1 September and is expected to be completed in Algeria by the end of October 1998. During the pre-registration exercise, UNHCR also continued its refugee needs assessment and information-sharing activities.

12. Road reconnaissance in the Territory, east of the berm, was completed on 1 September 1998 and information was provided to MINURSO to start demining activities of repatriation routes and sites in those areas. A hydrological survey was conducted in the Territory east of the berm by UNHCR's implementing partner from 15 to 28 August 1998. Further studies are required, using satellite imagery, before a water development project is finalized.

13. A UNHCR mission visited Laayoune from 26 August to 4 September 1998 to continue discussions with my Special Representative on a number of issues for coordination purposes, including participation in the MINURSO working group on legal matters and administrative issues. However, despite Morocco's decision to formalize the presence of UNHCR and allow it free access in the Territory, UNHCR still awaits the designation of technical counterparts to undertake a joint mission to the Territory.

E. Other aspects

14. The Independent Jurist for Western Sahara, Mr. Emmanuel Roucounas, visited the mission area during the last week of August as planned. He met with the POLISARIO Coordinator with MINURSO at Tindouf and received a new list of Saharans alleged to be detained by Morocco for political reasons. He then met with Moroccan officials in Rabat and informed them of this new list, which has since been transmitted to them by my Special Representative. With regard to the list of presumed political prisoners and detainees which was submitted to

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Morocco in January 1997, the Moroccan authorities informed the Independent Jurist that they had no further specific information on individual cases. However, the Independent Jurist was assured that Morocco would cooperate in these matters in accordance with the Settlement Plan, and in greater detail within the framework of the transitional period. Other discussions were held in Laayoune with my Special Representative and his staff.

III. ADMINISTRATIVE AND FINANCIAL ASPECTS

15. The problem of identifying a site for the deployment of the engineering support and demining units from Pakistan and Sweden, and for the storage of their equipment and ammunition, caused considerable delay earlier this year. The site only became available in early May, and the related construction was completed in August, resulting in financial requirements for the financial year beginning in July 1998. As arrangements had yet to be concluded with the Moroccan Government for occupancy of the site at no cost to the United Nations, MINURSO was obliged to enter into direct contractual obligations with the owner of the site and to pay a monthly rent, with the hope that it can be recovered from the Government in due course.

16. Despite assurances from the Moroccan authorities, the Mission continues to be confronted with bureaucratic and procedural problems in customs clearance of much needed items and equipment, including communication materials as indicated in paragraph 8 above. Consultations are continuing between MINURSO and the Moroccan authorities to resolve this issue.

17. As indicated in my report of 16 March 1998 (A/52/730/Add.3 and Corr.2), the proposed budget for the maintenance of MINURSO for the period from 1 July 1998 to 30 June 1999 is estimated at \$65.1 million gross, equivalent to a monthly rate of \$5.4 million gross. Pending the decision of the Security Council on the deployment of additional military and police personnel after 20 July 1998, the General Assembly, by its resolution 52/228 B of 26 June 1998, appropriated an initial amount of \$21.6 million gross, equivalent to a monthly rate of \$5.4 million gross, for the period from 1 July to 31 October 1998.

18. Therefore, should the Council decide to extend the mandate of MINURSO, as recommended in paragraph 23 below, the balance of the requirements for the maintenance of the Mission, as contained in my report of 16 March 1998, will be sought from the General Assembly at the main part of its fifty-third session.

19. As at 11 September 1998, unpaid assessed contributions to the MINURSO special account for the period since inception of the Mission to 21 September 1998 amounted to \$73.3 million. The total outstanding assessed contributions for all peacekeeping operations as at 11 September was \$1,761.8 million.

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IV. OBSERVATIONS AND RECOMMENDATIONS

20. I am gratified that the identification of over 147,000 applicants has been completed with the cooperation of the two parties. I am confident that the cases of those few applicants from tribes other than groupings H41, H61 and J51/52 who could not be convoked may be heard during the appeals process provided for in the Settlement Plan. However, I am concerned that the question of the identification of applicants from those three tribal groupings remains outstanding. It is my hope that the parties will be prepared to resolve the issues surrounding the identification of these applicants, in order to move forward promptly towards a solution of the Western Sahara problem.

21. At the same time, it must be stressed that there are a number of troubling problems which continue to impede progress towards holding a referendum in Western Sahara. Signature of the status-of-forces agreements is long overdue; I welcome the decision of the Governments of Algeria and Mauritania to sign the agreement, and hope that the agreement may be concluded with the Government of Morocco promptly after the Secretariat has completed its review of Morocco's reply. I further hope and expect that the signature of the agreement will lead to a resolution of the problems described in paragraphs 15 and 16 above.

22. While I welcome the agreement of the Moroccan authorities to formalize the presence of UNHCR, I remain concerned that they have yet to take concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote and their immediate families. It is imperative for UNHCR to begin a number of pending activities in the Territory, including confidence-building, infrastructure development and road reconnaissance, in order to complete its preparatory tasks and logistics planning.

23. As noted in my previous report, my Personal Envoy is pursuing his contacts with the parties so that he may assess whether the Settlement Plan can be carried out in its present form or whether there may be adjustments to it, acceptable to the parties, that would improve the chances of implementing it. If he concludes that, even with such adjustments, the Plan cannot be carried out, he will advise me on other courses of action that could be pursued. In order to allow for Mr. Baker's consultations with the two parties to take place, which are now envisaged for late September or early October 1998, and for an assessment of the situation thereafter, I recommend that the Security Council extend the mandate of MINURSO until 31 October 1998.

24. I should like to express my appreciation to my Special Representative and to the Chairman of the Identification Commission, Mr. Robin Kinloch, as well as all MINURSO personnel, for having brought the identification process to this advanced stage despite the difficulties they encountered and for pursuing their efforts towards the implementation of other provisions of the Settlement Plan. I should also like to express my appreciation to the observer delegation of the Organization of African Unity and its Senior Representative, Ambassador Yilma Tadesse (Ethiopia), for their unfailing support, as well as to the Government of Morocco and the Frente POLISARIO for the cooperation which they have extended in the identification process.

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Annex

United Nations Mission for the Referendum in Western Sahara:
contributions as at 10 September 1998

	Military observers	Staff officers	Troops	Civilian police observers	Total
Argentina	1	-	-	-	1
Austria	5	-	-	-	5 ^a
Bangladesh	6	-	-	-	6
Canada	-	-	-	8	8
China	16	-	-	-	16
Egypt	19	-	-	2	21
El Salvador	2	-	-	-	2
France	25	-	-	-	25
Ghana	6	-	7	10	23
Greece	1	-	-	-	1
Guinea	3	-	-	-	3
Honduras	12	-	-	-	12
Ireland	8	-	-	-	8
India	-	-	-	10	10
Italy	5	-	-	-	5
Kenya	8	-	-	-	8
Malaysia	13	-	-	10	23
Nigeria	5	-	-	10	15
Norway	-	-	-	2	2
Pakistan	5	6	150	9	170
Poland	3	-	-	-	3
Portugal	4	-	-	10	14
Republic of Korea	-	-	20	-	20
Russian Federation	25	-	-	-	25
Sweden	-	4	65	10	79 ^b
Uruguay	13	-	-	-	13

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	Military observers	Staff officers	Troops	Civilian police observers	Total
United States of America	15	-	-	-	15
Venezuela	3	-	-	-	3
Total	203	10	242	81	536

^a In addition to the Force Commander.

^b Including two national support elements.

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English

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