



## Security Council

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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 1920 (2010) of 30 April 2010, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2011, and requested a report on the situation before the end of the mandate. The present report covers developments since the issuance of my report dated 6 April 2010 (S/RES/1920 (2010)) and describes the situation on the ground, as well as the status and progress of the negotiations.

#### **II. Recent developments in Western Sahara**

2. Several significant socio-political and security developments took place within the Territory during the reporting period. The situation, reinforced by the recent series of popular uprisings in the wider Middle East and North Africa region, which called for increased political and economic rights, has given rise in Western Sahara to new challenges to stability and security which may have the potential to alter the conflict's status quo.

3. At the beginning of October, a group of Saharan protesters set up an encampment at Gdim Izik, some 15 kilometers south-east of Laayoune, intended to press socio-economic demands on the Moroccan authorities. The camp gradually expanded to comprise up to 6,610 tents according to a UNITAR/UNOSAT estimate based on satellite imagery. The number of protesters, which varied significantly over time, is believed to have reached over 15,000 at the peak.

4. MINURSO was not able to monitor the situation in the camp because the Moroccan authorities impeded its access. Attempted military patrols, as well as visits by United Nations security and police personnel, were prevented or stopped on several occasions. Moroccan authorities in Laayoune and the Permanent Mission of Morocco to the United Nations protested MINURSO's attempts to approach the camp, advising that the Mission should not interact directly with the population on what was described as a purely internal and social matter. Following MINURSO's continuing efforts, the Moroccan authorities eventually allowed one international security officer into the camp on 4 November.

5. These restrictions of movement violated paragraph 13 of the 1999 Status of Mission Agreement concluded between the United Nations and Morocco and interfered with MINURSO's ability to perform its mandate. In addition, the interception of MINURSO military patrols constituted a violation of Military Agreement No. 1.

6. With a heavy Moroccan security presence and the continued influx of new protesters, the political and security atmosphere in the area gradually deteriorated, particularly after Moroccan forces shot a 14 year-old Saharan boy to death at the camp's entrance on 24 October in unclear circumstances. As the camp grew in size and the situation became more tense, the United Nations received conflicting information from the parties to the conflict and other sources. Competing communications campaigns by the parties continued until several weeks after the dismantling of the camp.

7. As the days progressed, the Government of Morocco held meetings with representatives of the protesters to address their grievances. However, Morocco asserted that some elements were obstructing the implementation of solutions in accordance with what it considered a political and security agenda distinct from the protesters' social demands. Saharan and Moroccan sources also reported that the dialogue with Morocco was progressing, but that it was interrupted by the forceful dismantling of the camp. The Frente Popular para la Liberación de Saguía el-Hamra y Río de Oro (Frente Polisario) wrote a number of letters to me alleging violations of the protesters' human rights by Morocco, and called for my intervention to prevent "an imminent humanitarian catastrophe" and for the establishment of a United Nations mechanism to protect human rights in Western Sahara.

8. On 8 November, despite previous demarches by my Personal Envoy for Western Sahara, Christopher Ross, and my Special Representative in Western Sahara, Hany Abdel-Aziz, to their Moroccan interlocutors in an attempt to discourage any forceful action against the protesters, Morocco launched a security operation at Gdim Izik. In the early morning hours, Moroccan auxiliary forces and police forcefully dispersed the protesters and destroyed the camp, using teargas, water canons, batons, and loudspeakers mounted on vehicles and helicopters. There is no evidence that live ammunition, or other lethal means, were used. Violence immediately erupted in the city of Laayoune, with groups of Saharans taking to the streets to protest the raid, amid rumours of a high death toll, throwing improvised explosives and stones against Moroccan forces, and attacking public and private buildings. Later that day, groups of Moroccans attacked Saharan civilian homes and their residents.

9. The unrest which persisted before receding in the following days, resulted in significant casualties and property damage. The United Nations could not verify either party's account of casualties. MINURSO visited the site of the camp on 11 November but, under the circumstances, was not able to obtain a clear picture of the exact number of protesters, conditions in the camps before it was dismantled, or the number of casualties.

10. The violence in the aftermath of the dismantling of the camp caused injury to two United Nations staff and damage to two MINURSO vehicles. MINURSO had earlier noted an increase in the number of small security incidents involving United Nations staff and property in the period leading up to 8 November. The Mission took enhanced security measures at its Laayoune headquarters and at team sites.

11. On 29 November, following the violence in Laayoune, the Governor of Laayoune, Mohamed Jelmous, was replaced with Khalil Dkhil, the first Saharan to hold the post. Morocco also replaced the head of its gendarmerie in Laayoune and conducted a parliamentary inquiry into the Laayoune events.

12. Morocco and the Frente Polisario wrote a number of letters to me to convey their respective accounts of the events surrounding Gdim Izik. In a 25 January letter, Moroccan

Foreign Minister Taieb Fassi-Fihri provided to me the conclusions of a parliamentary commission of inquiry, which had investigated the events and concluded that the protesters' "purely social demands" had been "instrumentalized by terrorists and former criminals as part of a plan supported by Algeria and targeting Morocco's unity and stability." (See also para. 91)

13. Since the Gdim Izik events, the general situation in the Territory has remained tense, particularly between the Saharan population and Moroccan forces. Several instances of small demonstrations have been reported in Laayoune, Smara and Boujdour, with allegations of repression and detention by Moroccan forces, but MINURSO was not able to verify those reports. On 26 February in Dakhla, on the eve of the 35th anniversary of the "Sahrawi Arab Democratic Republic" ("SADR"), unrest between Saharan protesters and Moroccan civilians led to the injury of several people and destruction of property.

14. In early January, Morocco claimed that it had dismantled a 27-member terrorist ring with arms caches some 220 kilometers from Laayoune, and 35 kilometers west of the Berm, alleging that foreign elements from al-Qaeda in the Maghreb cells might have infiltrated Western Sahara. This information, which would suggest a deterioration of the security situation, could not be corroborated by MINURSO.

15. Amid popular movements in the Arab world seeking political and socio-economic reforms, including in Maghreb countries, small scale protests were also reported in Morocco as well as within the Saharan refugee camps in Tindouf, Algeria. In Morocco, demonstrations were conducted in the country's main cities on 20 February and 20 March. In the Tindouf camps, a group of Saharan youth organized a protest on 5 March, reportedly demanding more democratic participation in the Saharan "government."

16. Against this backdrop, King Mohammed VI, in an address to the nation on 9 March, declared that the country would conduct a "substantial revision of the constitution" to confirm a process of "regionalization" and democratization, and would submit the revision to a referendum, including in Western Sahara. The reform would also promote human rights and expand individual and collective freedoms. King Mohammed VI declared that Western Sahara would be the first "region" to benefit from such reforms.

17. On 24 March, in a letter addressed to me, the Foreign Minister of Morocco referred to the recent establishment by Morocco of a National Council on Human Rights, a strengthened "Mediator Institution" to undertake intermediation between citizens and government administration in support of the rule of law and equity, and the Inter-ministerial delegation in charge of human rights. He noted that these institutions would be "more open" to dialogue and interaction with international NGOs and United Nations Human Rights Council mechanisms. In this regard, the letter indicated that Morocco was "further open to the 33 mechanisms of the United Nations body" and stated that these new arrangements fully covered the human right dimensions of the dispute over Western Sahara.

18. Throughout the reporting period, Morocco continued to promote its autonomy plan for Western Sahara. King Mohammed VI celebrated his enthronement on 30 July and the 35<sup>th</sup> anniversary of the "Green March" on 7 November. On these occasions, he praised the benefits of his autonomy proposal for Western Sahara and pledged to facilitate the return of the Tindouf refugees.

19. On 27 February, the Frente Polisario commemorated the 35th anniversary of the "SADR". During the celebrations in various localities in the Territory east of the berm, the Frente Polisario renewed its call for a multi-option referendum in Western Sahara.

20. The Frente Polisario protested the European Commission's agreement with Morocco on 25 February of a one-year extension of the protocol of the EU-Moroccan Fisheries Partnership Agreement, which grants fishing rights to vessels from the European Union in

Morocco's fishing zone. The protocol, which is still to be examined by the Council of the European Union and the European Parliament for ratification, would be also implemented in the waters adjacent to Western Sahara. On 14 February, the Secretary General of the Frente Polisario, Mohamed Abdelaziz, wrote to me calling for my intervention to ensure that Western Sahara's waters are specifically excluded from the Agreement.

### **III. Activities of my Personal Envoy**

21. The period from March 2010 to March 2011 was one of considerable activity both with the parties and neighbouring states and with other members of the international community. By the end of the four rounds of informal talks that the parties held during this time, they had agreed to future discussion of factors affecting the negotiating atmosphere, as well as discrete subjects of mutual interest, and had also reaffirmed and in some cases agreed to steps to implement prior agreements on confidence-building measures. They also succeeded in conducting their exchanges throughout on the basis of fluid and respectful give-and-take and committed themselves to meeting more frequently. However, on the core issues of the future status of Western Sahara and the means by which the self-determination of the people of Western Sahara is to occur, no progress was registered. The parties continued to adhere to what my Personal Envoy has previously characterized as "unyielding adherence to mutually exclusive positions." In short, they continued to demonstrate the political will to meet at regular intervals, but have yet to demonstrate the political will to break the stalemate.

22. To follow up on the second round of informal talks on Western Sahara held in Armonk, New York, in February 2010, my Personal Envoy undertook a third visit to the region from 17 to 25 March, meeting with the Heads of State of Morocco, Algeria, and Mauritania, the Secretary General of the Frente Polisario, and other senior officials. His discussions confirmed that the negotiating process remained at an impasse. As a result, he requested that all concerned engage in a period of reflection to develop ideas for advancing the process. He also visited Paris on 25 and 26 March to consult with French officials.

23. On 26 March 2010, a dispute over the participation of specific individuals in a scheduled family visit by air led to the suspension of all flights. In the months that followed, both my Personal Envoy and UNHCR engaged unsuccessfully with the parties to seek a resolution that would open the way to the resumption of flights. (See also para. 79)

24. From 21 June to 1 July 2010, my Personal Envoy visited the capitals of three members of the Group of Friends of Western Sahara – London, Paris, and Madrid – to encourage their sustained interest in and continued support of the negotiating process and to exchange views on how best to steer that process toward a mutually acceptable political solution. To the same end, he consulted with senior officials in Washington on 16 July and in Moscow from 12 to 14 September. Everywhere, he found recognition of the need to move beyond the status quo, a readiness to work with him and the parties to promote more substantive engagement and more flexible discussions, and agreement on the need to intensify work on confidence-building measures, including the resumption of family visits by air, the early inauguration of family visits by road, and early consideration of other confidence-building measures contained in UNHCR's 2004 Plan of Action.

25. A third round of informal talks between the parties was to have taken place in early August 2010. However, the sudden death in July of Mr. Mahfoud Ali Beiba, the head of

the Frente Polisario delegation, did not make it possible to maintain this schedule. The parties concurred that it was best to wait until after Ramadan (11 August to 10 September) and for the High-Level Meetings and General Debate of the General Assembly to meet again.

26. In mid-September 2010, UNHCR and my Personal Envoy again pressed for the resumption of family visits by air, but a dispute over proper notifications to the parties and other issues prevented their resumption.

27. My Personal Envoy undertook a fourth visit to the region from 17 to 26 October 2010 to prepare the way for a third round of informal talks in discussions with the parties and neighbouring states. As in his previous visit, he met with the Heads of State of Morocco, Algeria, and Mauritania, with the Secretary-General of the Frente Polisario, and other senior officials. All reiterated their commitment to the negotiating process, while at the same time restating their red lines on the core issues of the future status of Western Sahara and the form of self-determination of its people. His consultations also provided an opportunity to discuss concerns related to human rights and terrorism.

28. This fourth visit coincided with increased tensions arising from the establishment by Saharan residents of Laayoune camp outside those cities to protest difficult socio-economic conditions, including unemployment, and perceived discrimination. (See paras. 3-8)

#### **A. The third round of informal talks and exploration of a new approach**

29. The third round of informal talks was held from 7 to 10 November 2010 at the Greentree Estate on Long Island, New York. The opening session scheduled for the morning of 8 November coincided with Moroccan action to dismantle the Saharan protest encampment outside Laayoune and subsequent confrontations in the city itself. The ensuing tensions threatened to derail the talks, inasmuch as the Frente Polisario delegation questioned the motives and timing of the Moroccan action and the utility of proceeding with talks as violence escalated. It took a significant effort by my Personal Envoy to convene the opening session, and throughout the round the Frente Polisario and Morocco accused each other repeatedly of escalating tensions and engaging in human rights violations in Western Sahara and in the refugee camps in the Tindouf area.

30. As became the pattern in succeeding rounds, the first session was devoted to the two proposals that the parties had presented in April 2007 (S/2007/206, S/2007/210). By the end of this discussion, it was clear that, as in the past, neither party accepted the proposal of the other as the sole basis of future negotiations. To foster constructive engagement despite the continuing impasse, and with expert mediation assistance from a member of the Swiss Foreign Ministry, my Personal Envoy proposed to the parties that they reflect on how to create a new dynamic at future rounds by pondering innovative approaches for the negotiating process and identifying subjects that could be discussed irrespective of the final status of Western Sahara – in short examining how to negotiate and what to talk about. The goal was to get the parties to deconstruct their proposals, find subjects to be discussed as building blocks toward consideration of the core issues, and foster the gradual emergence of trust and confidence. They agreed to incorporate this approach into future rounds; in so doing, the parties sought and received assurances that such an approach did not constitute an abandonment of their respective proposals, but was instead a supplementary way of approaching the core issues.

31. For the session on confidence-building measures, my Personal Envoy sought and obtained the active participation of the delegations of Algeria and Mauritania in the discussions for the first time, thus furthering their contribution to the overall negotiating process. At the same time, they maintained their insistence that the core issues must be addressed solely by Morocco and the Frente Polisario. My Personal Envoy stressed that present and future confidence-building measures were humanitarian in nature and must not be subjected to political considerations. This being so, he asked that family visits by air resume unconditionally and without delay, and the parties agreed. To permit a full review of current and proposed confidence-building measures, my Personal Envoy also proposed that delegations from the parties and the neighbouring states meet with UNHCR in Geneva in his presence in early February 2011, and all agreed.

## **B. The fourth round of informal talks**

32. The fourth round of informal talks was held from 16 to 18 December 2010 at the same venue as the third. The April 2007 proposals of the parties were again presented, and again each party continued to reject the proposal of the other as the sole basis for future negotiations. As agreed at the previous round, and with the assistance of the Swiss expert, the parties engaged in preliminary discussions on innovative approaches and on subjects to be discussed. However, the atmosphere was again affected by the aftermath of the events in Laayoune, with each party accusing the other of human rights violations and questioning the other's political will to find a solution to the conflict. At the end of the round, my Personal Envoy called upon the parties to create a new dynamic in 2011 on the basis of regular meetings and to avoid actions that undermined the creation of the atmosphere of trust needed for progress to be made.

## **C. The fifth round of informal talks**

33. The fifth round of informal talks was held from 21 to 23 January 2011 at the same venue as the previous two. Again, the parties continued to reject each other's proposals as the sole basis of future negotiations. As agreed at the previous round, again and with the assistance of the Swiss expert, my Personal Envoy invited the parties to continue their exploration of innovative approaches and subjects for discussion. The parties responded by making concrete proposals for over a dozen innovative approaches and some ten subjects for discussion. Most of these were couched in terms that served the agenda of one or another of the parties, and, as a result, they were unable to reach a consensus on any of them other than the "innovative approach" of having my Personal Envoy intensify and diversify his activities. To achieve more progress at the next round, he asked the parties to prepare a revised list of innovative approaches and subjects for discussion, putting aside the most controversial elements and, where possible, recasting others in terms to which both parties could agree.

## **D. Geneva meeting on confidence-building measures**

34. As agreed at the third round of informal talks, delegations from the parties and neighbouring states met with UNHCR in the presence of my Personal Envoy and my Special Representative on 9 and 10 February 2011 in Geneva. (See para. 85)

## **E. The sixth round of informal talks**

35. The sixth round of informal talks was held from 7 to 9 March 2011 in Mellieha, Malta, with logistical assistance from the Government of Malta. In opening this round, my Personal Envoy asked the delegations of the parties and of the neighbouring states to reflect on the implications of the protest movements sweeping the Middle East-North Africa region for the Western Sahara negotiating process and suggested that, to minimize the dangers to their own sub-region, the parties would do well to begin negotiating seriously, while the neighbouring states could lend greater assistance to the process.

36. To focus the opening session on the two April 2007 proposals, my Personal Envoy asked the delegations of the parties to summarize the various questions that each had asked of the other with regard to the two proposals, beginning with the first round of informal talks held in Austria on 9 and 10 August 2009.

37. The Frente Polisario delegation reviewed the questions it had asked on substantive aspects of the Moroccan proposal. In previous rounds, the Moroccan delegation had refrained from fully replying to those questions, arguing that they were being posed solely in the framework of the Frente Polisario's proposal for a referendum that included independence as an option. On this occasion, the Moroccan delegation did provide answers that clarified many aspects of its proposal.

38. The Moroccan delegation for its part put forward observations and questions on the Frente Polisario's proposal. These dealt largely with the origins and timing of that proposal, its seeming inspiration from the last peace plan put forward by my Former Personal Envoy, James Baker, and its omission of any discussion of the option of autonomy. No questions were asked on that portion of the proposal that described the parameters of the relations with Morocco that the Frente Polisario offered in the event of independence. The Frente Polisario delegation refrained from answering most of the questions posed, arguing that they were out of place, ignored the essence of the Frente Polisario's proposal, and sought to blame it for not addressing the option of autonomy.

39. At the session on innovative negotiating approaches and discrete subjects for discussion to be examined in detail at future meetings, the parties engaged in extensive exchanges on the various proposals put forward in the course of previous rounds. With regard to subjects to be discussed, the parties agreed to examine two proposals: the demining program and the natural resources of Western Sahara and their use. With regard to innovative negotiating approaches, the parties finally agreed to examine three proposals: what constitutes provocation and how to avoid it, what measures can be taken to calm the situation [*apaisement*], and what diversified and complementary forms of activity my Personal Envoy can undertake. After lengthy exchanges that highlighted fundamental differences between the parties as to the parameters of any eventual discussion, the issue of human rights, proposed by the Frente Polisario delegation at previous rounds and embraced by the Moroccan delegation at this round, was withdrawn at the request of the Frente Polisario delegation itself.

## **F. Next steps**

40. The agreements reached to date, particularly those with regard to subjects for future discussion, provide a considerable agenda for future meetings. However, much will depend on the motivation and spirit of the parties as they proceed to engage on them. While both emphasize their full commitment to the search for a solution, a total lack of trust continues to haunt the negotiating process, and each party harbours deep suspicions of the other. The Moroccan delegation for its part has expressed concern that the Frente

Polisario is attempting both to steer the talks back to my former Personal Envoy, James Baker's last peace plan instead of embracing Morocco's autonomy proposal and to present the international community with the conclusion that no significant progress has been made on the core issues of the future status of Western Sahara and the exercise of self-determination. The Frente Polisario delegation has voiced concern that Morocco is exploiting the exploration of innovative approaches and discrete subjects for discussion both to divert the talks from examination of both April 2007 proposals and to present the international community with the appearance of progress in the lead-up to renewal of MINURSO's mandate.

41. The parties have agreed to hold a seventh round of informal talks in May 2011 to examine the April 2007 proposals yet again and to take up discussion of one or more of the innovative approaches or discrete subjects agreed at the sixth round. In addition, the parties have agreed in principle to hold further rounds regularly until enough progress has been made to convene a round of formal negotiations. As this process unfolds, ample opportunities will exist for the parties to confirm their intentions, demonstrate the political will not only to continue meeting, but also to engage in genuine negotiations, and accept greater shared ownership of the negotiating process. These more frequent meetings will also give the parties and the neighbouring states, as they have in the past, informal opportunities to exchange views and clarify positions on important regional and bilateral issues of common interest.

42. At appropriate moments in the course of successive rounds, my Personal Envoy intends to travel to the region, including Western Sahara itself, and to the capitals of the Group of Friends of Western Sahara, other members of the Security Council, and other governments and regional organizations.

## **IV. Activities on the ground**

### **A. Military**

43. As of 15 March, the military component of MINURSO stood at 231 personnel, including administrative and medical unit officers, against the authorized strength of 231. The Mission currently has six female military observers from Croatia, Hungary, Ireland, and Mongolia, as well as two female medical officers from the Bangladeshi Medical Unit. I would welcome further deployment of female officers by troop-contributing countries, both for operational reasons and to improve the Mission's gender balance. During the period under review, the number of French-speaking military observers increased from 19 to 21, Arabic-speaking military observers remained at 32, while Spanish-speaking observers decreased from 27 to 25.

44. MINURSO's military component is still deployed in nine team sites, a liaison office in Tindouf, and a small liaison presence in Dakhla.

45. From 1 April 2010 to 15 March 2011, MINURSO performed 8,168 ground patrols and 710 aerial patrols (including air reconnaissance), visiting and monitoring units of the Royal Moroccan Army and the military forces of the Frente Polisario and monitoring adherence to the military agreements. During that period, extensive use of helicopter patrols remained the most efficient method of monitoring, although day and night ground patrolling continues to be the most effective way of assessing and investigating allegations, violations, and requests in line with Military Agreement No. 1.

46. MINURSO continued to maintain good relations with the Royal Moroccan Army and the Frente Polisario. However, both sides continued to abstain from dealing directly with



each other. All known contacts between the two armed forces continued to take the form of written communications through MINURSO.

47. MINURSO observed and recorded 126 new violations by the Royal Moroccan Army, representing a considerable increase from the 24 recorded during the previous reporting period. Violations by the Royal Moroccan Army included the construction of new buildings (75 violations involving construction of 166 shelters in 75 different observation posts and living accommodation) along a temporary deployment line 15 kilometers west of the berm, all without MINURSO's prior approval. In November 2010, during the violence in Laayoune, the Royal Moroccan Army moved troops and military assets on five separate occasions without prior notification to MINURSO in violation of Military Agreement No. 1. The Royal Moroccan Army also conducted maintenance work on the berm in ten different occasions without approval from MINURSO, built four new supportive stone walls along the berm, enlarged four existing stone walls, redeployed four long-range (M-48) tanks from sub-sector Amgala to sub-sector Guelta Zemmour and Haouza, and constructed two new trenches in Bir Gandouz area in contravention of Military Agreement No. 1. It also installed one new radar in the Awsard area, despite MINURSO's objections.

48. MINURSO observed a total of 12 new violations by the Frente Polisario Military Forces, an increase compared to the five recorded during the previous reporting period. Those violations were related mainly to the incursion of military elements, including some equipment, into the buffer strip, redeployment of one observation post, unauthorized maintenance of a building in the restricted area, and redeployment of weapons in the Tifariti area.

49. The parties' long-standing violations, which they have yet to redress despite MINURSO's protests, have also worsened since my previous report. In July, the Royal Moroccan Army conducted tactical reinforcements, deploying 26 command vehicles in six sub units in Guelta Zemmour, reportedly to replace others which were in a state of disrepair. In November, it moved one radar from Guelta Zemmour to Bir Gandouz.

50. Over the past year, restrictions on the freedom of movement of MINURSO military observers by both parties increased significantly. The Frente Polisario committed 81 freedom-of-movement violations in Mehaires, Tifariti, and Mijek. The Frente Polisario told MINURSO that these violations were carried out as part of a review of its relations with the United Nations due to its frustration over the lack of progress of its demands for the organization of a referendum on self determination and an independent mechanism for the protection of human rights in the Territory. The number of restrictions abated after MINURSO met with Frente Polisario representatives to address the situation, agreeing to provide the Frente Polisario with copies of its flight schedules and passenger manifests, as well as details of the composition of ground patrols crossing the berm, as this information was being routinely provided to the Moroccan authorities on the other side of the berm.

51. The Royal Moroccan Army committed four freedom-of-movement violations when MINURSO was prevented from visiting military units in Baggary and Awsard sub sectors. As stated above, the Royal Moroccan Army also violated the freedom of movement of MINURSO's military personnel by restricting access to and monitoring of the Gdim Izik camp.

52. The increased violations committed by each of the parties did not constitute a threat to regional safety and security. However, they are illustrative of a degree of erosion in the standing of Military Agreement No. 1 and, more generally, a decline in the parties' relationship with MINURSO as military observer of their adherence to the letter and spirit of the ceasefire and of the situation in the Territory. These should also be seen in the context of the general lack of progress and continuation of the *status quo* in spite of MINURSO's 20-year presence.

53. MINURSO also received from each party a number of allegations concerning violations reportedly committed by the other party. During the period under review, the Royal Moroccan Army submitted 21 allegations of violations of Military Agreement No. 1 against the Frente Polisario, which, in turn, raised 8 allegations against the Moroccan forces. MINURSO communicated all allegations to both parties in writing.

54. Most of the Royal Moroccan Army's allegations referred to claimed incursions by Frente Polisario soldiers, movement of vehicles with uniformed personnel, construction of shelters, and sounds of explosions inside the buffer strip. After verification by MINURSO, none of these allegations could be confirmed owing to a lack of evidence. The Frente Polisario's allegations against the Royal Moroccan Army related to the raising of the berm's height, sounds of explosions, reconnaissance overflights by helicopters, unmanned aerial vehicles (UAV's) and fighter aircraft, and the improvement and reinforcement of the berm by mechanical means. After verification by MINURSO, one Frente Polisario allegation was confirmed as a violation: the improvement of defense infrastructures on the berm in Awsard. Other allegations could not be confirmed owing to a lack of evidence. Allegations of reconnaissance overflights by UAV's could not be verified due to the Mission's lack of technical capability for ground to air surveillance. However, UAV's were observed at Laayoune airport.

55. The establishment of a joint military verification mechanism would be of great added value in this context. Despite my past calls to this end (S/2010/175, para. 74), the parties have not yet indicated their interest in pursuing this initiative.

56. MINURSO also received and reviewed 350 requests from the Royal Moroccan Army regarding the construction or maintenance of buildings and facilities used by military personnel and the maintenance and destruction of mines and explosive remnants of war in the restricted area. Of these requests, MINURSO approved 279 and rejected 64. The Frente Polisario did not make any requests during the period under review.

57. MINURSO received 276 notifications from the Royal Moroccan Army concerning firing and tactical training exercises, movement of troops, equipment and tanks, VIP and maintenance helicopter flights, and the destruction of mines and explosive remnants of war in the area of limited restrictions. MINURSO received 31 notifications from the Frente Polisario forces regarding training and firing exercises, construction of new buildings, and visits in the area of limited restrictions. MINURSO monitored all the notified activities.

58. Foreign Minister Fassi-Fihri and Morocco's Permanent Representative to the United Nations wrote to me on two occasions to complain that certain violations as determined and reported by MINURSO, did not infringe on the ceasefire but were in fact justified by the security enhancement necessary to combat potential terrorist and smuggling activities, which have increased in the Sahara region over recent years. The Moroccan military authorities, conveying the same complaints to MINURSO, requested a revision of Military Agreement No. 1 that would take into account the changed circumstances prevailing in the region. Following up on this request, MINURSO has approached the Frente Polisario's military authorities who have confirmed their agreement in principle to consider the possible revision of the Agreement. MINURSO is currently working with both parties to seek their views on potential amendments to be agreed in identical terms with each side.

59. MINURSO, within its capabilities, also provided medical support for UNHCR's programme of confidence-building measures and emergency medical services (including casualty evacuation) to the local population on a humanitarian basis. During the reporting period nine such evacuations were conducted for the benefit of the local population east of the berm. The Frente Polisario has expressed its appreciation for the assistance.

## **B. Mine action**

60. The widespread contamination from landmines and explosive remnants of war throughout Western Sahara continues to pose threats to its population, as well as to MINURSO Military Observers and logistics teams. Despite the lack of reliable data on mine fields, due to the vastness of the Territory and the unavailability of information on mine fields, particularly west of the berm, the prevalence of mines in the region remains a reality.

61. During the reporting period, a total of eight accidents were reported, involving one death and 18 injuries among the local population. This represents a decrease in the number of accidents from the previous reporting cycle, when ten accidents were recorded involving three deaths and 12 injuries (S/2010/175, para. 40). The decline in incidents is attributed to an increased mine awareness among the population, improved supervision of clearance activities by MINURSO's Mine Action Coordination Center (MACC) as well as the implementation of lessons learnt during the previous year. Yet, the casualty figures indicate that the mines pose an ever present threat to life in the area.

62. Mine clearance activities continued on both sides of the Berm. In Frente Polisario-controlled areas east of the Berm, the work was done by the United Nations contractor Landmine Action U.K. (LMA), while work west of the Berm was conducted by the Royal Moroccan Army.

63. LMA, with three clearance teams of 12 operators each and one explosive ordnance disposal team of six operators cleared cluster munitions and unexploded ordnance in 6,830,492 square meters of land east of the berm. This represents a considerable increase compared to the 24,957 square meters of land cleared during the previous reporting period.

64. Mine action operations on both sides of the berm, resulted in the destruction of 6,514 anti-tank mines, 741 anti-personnel mines, 1,512 unexploded ordnance, 6,844 cluster bomb units, and 6,138 other explosive ordnance.

65. On 28 February, the Frente Polisario destroyed 1,056 anti-personnel mines in stockpiles on the occasion of the 35<sup>th</sup> anniversary of the "SADR" in line with its obligations under the "Deed of Commitment Under Geneva Call for Adherence to a total ban on Anti-Personnel Mines and For Cooperation in Mine Action."

66. The United Nations places great emphasis on the maintenance of a reliable database on land mines and explosive remnants of war. To this end, MACC continued to provide Information Management System for Mine Action (IMSMA) training and technical support to LMA.

67. In line with Security Council Resolution 1325, Landmine Action has incorporated gender mainstreaming in its operations, engaging nine Western Saharan female staff into its battle area clearance teams and field headquarters operations. LMA's work force is made up entirely of individuals from the local population, with the exception of two technical advisors. These technical advisors, along with visiting technical experts, have provided the local staff with vital skills including technical mine clearance, administration, and medical response.

## **C. Persons unaccounted for in the conflict**

68. The International Committee of the Red Cross continued to work with the parties and families concerned in pursuing the question of persons still unaccounted for in relation to the conflict.

## **D. Assistance and protection for Western Saharan refugees**

69. The office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), and the World Health Organization (WHO), in conjunction with the European Commission Humanitarian Aid and Civil Protection (ECHO), the Spanish Agency for Cooperation and Development, and several international and local non-governmental organizations, continued to provide assistance and protection to Western Saharan refugees in the camps near Tindouf, Algeria.

70. The main areas of support include food distribution, water and sanitation, education, transport and logistics, health, agriculture, shelter, protection, and community services.

71. In 2010, WFP provided 90,000 general food rations and 35,000 supplementary general food rations to the most vulnerable refugees each month. It also distributed around 25,200 tons of assorted commodities, including a diversified food basket, commodities for school feeding and nutritional activities. UNHCR provided complementary food. The two agencies also conducted 45 general food basket distribution visits to different food distribution points in the camps each month, as determined by a joint needs assessment.

72. WFP collaborated with UNHCR and other partners to produce a nutrition strategy and the integration of activities in child health and nutrition. A joint nutrition survey conducted in October and November 2010 will serve as a baseline of the interventions under an integrated framework.

73. UNHCR continued to supply the refugees with potable water, constructing new water networks to reduce the cost of water delivery by truck. *Solidaridad Internacional*, a Spanish NGO, with funding from ECHO and UNHCR, installed water systems in Smara camp to benefit about 34,000 refugees. A similar system had been built in Dakhla and Awsard camps. In Laayoune camp, a new osmosis system was installed, renewing the 24 kilometre water pipeline with Awsard camp. Local staff members at the Saharan water department received training on technical aspects of water treatment.

74. In the education sector, UNHCR provided 127,540 school books, covering about 80% of the overall needs. UNHCR rehabilitated two primary schools in Smara and Laayoune camps, and trained 1,756 teachers in curriculum development and pedagogy. An additional ten Saharan refugee students, among 103 students who passed their Baccalaureate exam, were awarded scholarships. So far 25 students are recipients of UNHCR scholarships since 2008. UNICEF also provided school furniture.

75. In 2010, UNHCR supplied one third of the cooking gas requirement, in complement to the supply provided by the Algerian Red Crescent. UNHCR also provided clothing to schoolchildren, traditional Saharan clothing to women and 2,200 tents and materials for tents.

76. In the health sector, UNHCR and WFP, through their implementing partner, the Algerian Red Crescent, provided a supplementary feeding program to moderately malnourished children under five, and pregnant and lactating women in all camps. UNHCR also provided support to the nursing school, conducted training courses for nurses and midwives, and supplying products and teaching aids. In the agriculture sector, 55 refugees in Dakhla camp benefited from greenhouses, seeds, water pumps, and training. UNHCR continued supporting the vocational centres for women, youth, and handicapped persons.

77. To enhance the protection of refugees, UNHCR supported the legal establishments in the Tindouf camps. Incentives and training were also provided to lawyers and judges. UNHCR has commenced construction of new field offices in all the camps to enhance refugee protection and bring services closer.

## **E. Confidence-building measures**

78. UNHCR continued to implement the Confidence Building Measures programme to facilitate contact and communication between Western Saharan refugees in the Tindouf camps and their families in the Territory. MINURSO continued to provide logistical support, including United Nations police officers to facilitate travel procedures and provide escort.

79. However, the exchange of family visits by air and the free telephone services, which are the main components of the CBM programme, experienced significant setbacks during the reporting period.

80. The family exchange programme between locations in the Territory and the Tindouf refugee camps was halted on 26 March, due to a disagreement between the parties over the eligibility of a beneficiary. Subsequent attempts to re-launch the programme on 2 April and 17 September failed. As a consequence of these actions, some 1,740 potential beneficiaries lost the chance to benefit from this vital humanitarian service.

81. The free telephone service is interrupted since 20 September, following the failed family exchange flight of 17 September.

82. Following intensified efforts made by the UN High Commissioner for Refugees, António Guterres, and my Personal Envoy Christopher Ross, to engage the parties, UNHCR chaired a meeting in Geneva on 9 and 10 February, with representatives from both parties, as well as Algeria and Mauritania as observers. My Personal Envoy and the Special Representative for Western Sahara also attended.

83. During the two days of constructive deliberations, the participants reaffirmed the importance of the CBM programme and the need to find ways and means to maximize the links between families divided by conflict for 36 years. The Parties expressed their commitment to cooperate fully with UNHCR in implementing the 2004 Plan of Action, in accordance with its mandate and principles, and to preserve the humanitarian character of the CBM operation.

84. The Parties and the two neighboring countries agreed to the following conclusions aiming to increase the number of beneficiaries from the CBM programme:

- a. The seminars will be re-launched, with the first one to be held during the second half of 2011 in Madeira, Portugal.
- b. UNHCR, jointly with MINURSO, will deploy a reconnaissance team to conduct a road technical feasibility assessment mission on 18 April. UNHCR will also look into the feasibility of providing a larger aircraft for the family visits by air.
- c. The mail services and the resumption of the telephone centers were agreed upon in principle. UNHCR will provide some proposals for further consideration and discussion.
- d. UNHCR will submit to the parties for approval one single list of beneficiaries, after verification is completed by UNHCR through full and unhindered access on both sides. UNHCR is working on the preparation to implement this system by July 2011.
- e. As this was the second such meeting since July 2000, it was agreed to hold regular coordination meetings at least twice a year, in Geneva. The next meeting is proposed to take place in September 2011.
- f. An evaluation meeting will be held in December 2011.

85. Family visits by air were resumed on 7 January 2011. Since then, eight round-trips have been conducted, enabling 894 persons to travel or receive relatives on both sides.

86. Since March 2004, out of 41,237 Saharans registered, a total number of 13,942 persons (30% of those registered), mostly women, children and elderly, have benefited from the family visits. The remaining 27,295 are waiting to benefit from the activity.

87. On 25 February, UNHCR was not able to include one Sahrawi refugee in the family visit by air, after Morocco refused in writing his participation in the programme due to alleged crimes committed by the individual in Laayoune in 2001. The Frente Polisario claimed that the move was politically motivated. The refugee began a hunger strike in protest.

88. Further to the recommendation on the conduct of a census made in my previous report of 6 April 2010 (S/2010/175, para. 75), and in line with its mandate and established practice, UNHCR will continue discussing with the host country the need for registration in Tindouf refugee camps.

## **F. Irregular migrants**

89. During the reporting period, 17 irregular migrants were recorded in Western Sahara. The Frente Polisario handed them over to the Mauritanian authorities in Zouerate on 1 September 2010.

## **G. Human rights**

90. The broad outline of the events attendant to the establishment and dismantling of the Gdim Izik protest encampment are set out at the beginning of this report. The human toll is not clear as the parties have provided conflicting figures and independent means of verification are scarce. Moroccan authorities announced that 11 of its security agents and two civilians had been killed while 70 security agents and four civilians were wounded on this occasion and during the subsequent outbreak of violence in Laayoune. Moroccan authorities released a 14-minute video of edited coverage of the dismantling of the camp and subsequent events in Laayoune, showing acts of violence by Saharan protestors against Moroccan security forces, including a protestor at the camp seen to be defiling the body of a security officer. Shortly after the incident, Frente Polisario claimed that 36 Saharans, including an eight year-old child were killed, more than 700 wounded, and 163 went missing. It is undisputed that, on 24 October, a 14 year-old Saharan boy, al-Najem al-Kareh, was killed and four others were wounded by Moroccan security forces while making their way to the camp, but accounts of the circumstances of the incident differ.

91. According to local and international human rights organizations, on 8 November, following the dismantling of the camp, Saharans in Laayoune reportedly attacked and set fire to property belonging to Moroccan citizens or Saharans thought to be pro-Moroccan. The same day Moroccan citizens allegedly attacked Saharan civilian homes and their residents, reportedly in the presence of or with the active participation of Moroccan security personnel in most cases.

92. Investigations by local and international human rights organizations found that over 200 Saharans, including children, were detained. Many Saharans, including women, elderly, and disabled persons, have alleged that they were subjected to torture or ill-treatment, including threatened of or actual sexual violence, during the dismantling operation or while in detention. Families of detained Saharans asserted that they were unable to obtain information about the whereabouts of their relatives, in many cases for

over two weeks. While some of those detained were released, a Moroccan parliamentary commission (see Para. 91) noted that, by January, judicial proceedings had been initiated in relation to over 185 Saharans, including the referral of 19 to the jurisdiction of the Military Court, one to a juvenile court, and 132 to the Laayoune Court of Appeal. At least five of those referred before the Military Court are members of Saharan human rights organisations.

93. On 27 November, the Moroccan Lower House established a "Parliamentary Commission of Inquiry" to investigate the establishment and dismantling of the camp, the events in Laayoune, and their implications. The Commission travelled to the Territory, heard 122 witnesses and published its report in January. Among other things, the report concluded that, in a context of considerable socio-economic disparities in the Territory, the camp had been set up initially as a social protest but that "criminals, those with a criminal record, and a group of terrorists" took over. It confirmed the official figures of fatalities and noted that 238 security personnel and 134 civilians were injured.

94. It expressed appreciation that live fire was not used in order to protect civilians, noted that equal measures were not put in place to protect security personnel, and called on the justice system to punish criminals. The Commission noted limited abuses in the "search and arrest" operations, which thereby warrants the justice system to pay due attention to complaints of abuses. The report also put forward several recommendations, including the need to address the underlying causes of the protest and to identify responsibility for allowing the installation and the expansion of the camp. It also shed light on the failure of the local authorities to fulfil several of their responsibilities and recommended the opening of an investigation to define responsibilities for violations in certain sectors, notably housing, the management of state properties and real estate, fishing licences, and social assistance. The Commission recommended compensation for residents, businessmen, and investors whose properties had been damaged. Based on its discussions with the General Crown Prosecutor, the Commission expressed confidence that justice "will take its natural course in guaranteeing the right of every citizen to a fair trial".

95. According to the Commission's report, disparities among populations of the Territory were considerable despite significant advances in socio-economic indicators and investment in infrastructure. The report noted that social services - from social housing, to social assistance programmes and subsidised consumables - benefited a small group rather than the majority of the population.

96. Local and international human rights organizations noted that protestors at the camp were calling for their right to work, and to adequate housing and for an end to the marginalization and the inequitable distribution of resources in the Territory. Local organizations highlighted that Saharans suffered from high levels of unemployment as a result of discriminatory employment practices and despite employment opportunities, notably in the phosphate and fishing industries. Local and international organizations also stressed that no information had been received to date to indicate that criminal investigations and prosecutions had been effectively launched into alleged violations of the rights of Saharan civilians by security forces or into attacks against them and their properties by Moroccan civilians.

97. As referred to in para. 13 above, incidents took place between two groups of Moroccan and Saharan civilians as of the early morning of 26 February in Dakhla. Further incidents took place when approximately 400 Saharans demonstrated later the same day. Local sources added that the demonstration was triggered by the inaction of security forces when Moroccan youths reportedly attacked three Saharan neighbourhoods, allegedly destroying shops and other property belonging to Saharans in the presence of security forces. While Moroccan civilians suspected of participating in the attacks were reportedly arrested, no information was available as to whether an investigation was opened into the

conduct of the security forces. Media reports indicate that the local authorities have committed to launch an inquiry into the material damage caused during the violence and consider possible reparations.

98. Saharan human rights defenders and activists continued to report impediments to their ability to operate. The trial of seven well-known Saharan activists, including one woman, charged in relation to their highly publicized visit to the Tindouf camps in October 2009, is ongoing. On 11 February, the Ain-Sab'a Court of First Instance in Casablanca postponed its decision indefinitely to facilitate further investigation. Defence lawyers complained that the trial failed to adhere to international standards for fair trial.

99. Following the dismantling of the camp, the Moroccan authorities allowed international human rights organisations, such as Amnesty International and Human Rights Watch, and foreign journalists - with some restrictions - to visit the Territory and to carry out their work, in particular to investigate the camp incident and to make their findings public. This notwithstanding, instances of ill-treatment of individuals conducting visits in solidarity with the people of Western Sahara or participating in demonstrations in the Territory calling for the implementation of UN resolutions on its status were reported.

100. With regard to the human rights situation in the refugee camps in Tindouf (Algeria), information remains limited. In recent years, allegations of violations were reported, notably of the rights to freedom of expression and movement. In September, the Frente Polisario arrested Mostapha Selma Sidi Mouloud, a "SADR" police officer, on his return from the Territory to the camps, where he resided. While in detention, his exact whereabouts were unknown. The Frente Polisario reportedly accused Mr. Mouloud of espionage and treason after he publicly expressed his support for a degree of autonomy for the Territory under Moroccan sovereignty. In October, the Frente Polisario released Mr. Mouloud, handing him over to UNHCR.

101. As detailed in this report, there were allegations of violations of human rights in the Territory and the refugee camps during the reporting period. MINURSO does not have a specific human rights mandate, and the Office of the United Nations High Commissioner for Human Rights has no presence in the Territory or in the refugee camps in Tindouf. Such allegations and counter allegations by the parties should be transformed into mutual acceptance of effective arrangements that genuinely address attendant issues and concerns to generate confidence.

## **H. Administration of the Mission and security measures**

102. Facility and infrastructure maintenance at MINURSO team sites are in the final stages of completion. At the Mehaires, Agwanit, and Mijek team sites, soft wall accommodation will be replaced with hard wall accommodation by mid 2012. Six other team sites have already had their soft walls replaced with hard wall accommodation. Plans are also underway to replace the soft wall kitchens in all the nine team sites with hard wall kitchens over the next two years.

103. Since my previous report, MINURSO has installed water-treatment plants in team sites Smara and Tifariti in addition to Mahbas and Bir Lahlou, and at Mission headquarters in Laayoune. The Royal Moroccan Army is continuing to assist in the rehabilitation of the desert airfield at Awsard. Work on this project, which has been delayed due to equipment failure and bad weather, is anticipated to be complete by July 2011.

104. The Mission has launched an environmental protection programme, in line with my efforts towards "greening the United Nations" and the promotion of sustainable energy. The Mission has installed a waste water treatment system at team site Mahbas and plans to have the technology installed in all nine team sites by 2014. The Mission is also replacing electric water heaters and electric security lights with solar-powered water heaters and



solar security lights. Trials of the Fuel Farm and Security Access Control at the Mission Logistics Base have found them effective and they will be installed at remote locations such as helipad refueling facilities in the team sites.

105. The reporting period saw an increase in security incidents involving United Nations staff. A total of 14 incidents were recorded, with the majority occurring in the aftermath to the violence in Gdim Izik and Laayoune in November 2010. Incidents included assault with weapons and threats of physical attacks on UN staff, vandalism of UN vehicles and other property, harassment of staff, intrusion into private residences, attempted robbery, and sabotage.

106. While most cases occurred in Laayoune, Tindouf also recorded incidents. During the unrest in Gdim Izik and Laayoune on 8 November, two staff members were injured while two vehicles were destroyed by stone-throwing in Laayoune. At the Tindouf Liaison Office and Tifariti and Mijek Team Sites, quick action by Frente Polisario security forces prevented demonstrators expressing solidarity with Gdim Izik protesters from entering UN premises.

107. In Tindouf, the UNHCR/CBM sign at 27 February camp was damaged by angry demonstrators on 15 November. Earlier on 3 June, the UNHCR's sub office in Rabouni camp was broken into and United Nations and private property stolen.

108. The Mission took measures to mitigate these incidents and threats, including the installation of 11 cameras at United Nations premises, and continues the use of X-ray machines and observation mirrors at all entrance and exit points.

## **I. Conduct and discipline issues**

109. The Mission has continued to give priority to the conduct and discipline of its civilian and military components, focusing mainly on prevention through training on rules and regulations, United Nations core values, and procedures for handling misconduct. During the reporting period, eight cases were reported, including one sexual abuse and exploitation allegation. The majority of cases were already investigated and closed by the Mission, leaving one allegation from 2010 under investigation.

## **V. African Union**

110. MINURSO continued its cooperation with the observer delegation of the African Union led by its Senior Representative, Yilma Tadesse of Ethiopia. I wish to reiterate my appreciation of the African Union for its contribution.

111. On 26-28 August, my Special Representative in Western Sahara attended a high level meeting in Cairo, Egypt, where common strategies and enhanced cooperation towards advancing peace in Africa were discussed.

112. On 23 September, at the invitation of the African Union, my Special Representative in Western Sahara visited the African Union Headquarters in Addis Ababa for high level meetings and briefings on efforts by the United Nations and various organs of the African Union to address diverse problems in Africa. The consultations also brought the issue of Western Sahara into focus, with suggestions being made to involve a panel of regional eminent persons to find a way to get Morocco more involved in the work of the African Union.

113. MINURSO continued to support the African Union delegation in Laayoune, in the form of logistical and administrative assistance drawn from its existing resources.

## **VI. Financial aspects**

114. The General Assembly, by its resolution 64/284, decided to appropriate the amount of \$57.1 million for the maintenance of MINURSO for the period 1 July 2010 to 30 June 2011. Should the Security Council decide to extend the mandate of MINURSO beyond 30 April 2011, the cost of maintaining the Mission until 30 June 2011 would be limited to the amounts approved by the General Assembly. The proposed budget for MINURSO for the period 1 July 2011 to 30 June 2012 in the amount of \$61.4 million (exclusive of budgeted voluntary contributions in kind) has been submitted to the General Assembly for consideration during the second part of its resumed sixty-fifth session.

115. As at 28 February 2011, unpaid assessed contributions to the Special Account for MINURSO amounted to \$44.7 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to \$2,410.3 million.

116. As of 28 February 2011, amounts owed to troop contributors totaled \$0.5 million. Reimbursement of troop and contingent-owned equipment costs have been made for the period up to 30 October 2010 and 30 September 2010, respectively, in accordance with the quarterly payment schedule.

## **VII. Observations and recommendations**

117. **I am concerned about the deterioration of the security situation in Western Sahara, resulting from the absence of a peace agreement between Morocco and the Frente Polisario and the continuing 20-year-old status quo in the Territory. I regret the loss of lives and property that occurred during the violence in Gdim Izik and Laayoune on 8 November and I call on the parties to refrain from resorting to violence in future.**

118. **The current negotiating process has existed since the Council's first calls for direct negotiations between the parties to achieve "a just, lasting, and mutually acceptable political solution, which will provide for self-determination for the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations," and since Morocco and the Frente Polisario presented their respective proposals to the Council in April 2007. After the passage of four years and ten sets of meetings between the parties, this process remains deadlocked.**

119. **Neither party has accepted the proposal of the other as the sole basis of negotiation and neither party has taken steps to date that would suggest a readiness to move to an acceptable compromise. Despite the parties' recent agreement to devote future rounds of talks to the innovative approaches and discrete subjects that were agreed at the sixth round of informal talks, as well as others that may subsequently be identified, they are likely to remain attached to the essence of their proposals.**

120. **That said, current circumstances may suggest a way forward. At this time of protest and contestation throughout the Middle East/North Africa region, the sentiments of the population of Western Sahara, both inside and outside the Territory, with regard to its final status are more central than ever to the search for a settlement that will be just and lasting, but these sentiments remain unknown. What is clear is that arrival at a final status on which this population has not clearly and convincingly expressed its view is likely to engender new tensions in Western Sahara and in the region. In recognition of this fact, the Council may wish to recommend three initiatives to the parties:**

- a. first, that the parties find a means to include respected representatives of a wide cross-section of the population of Western Sahara inside and outside the Territory, formally or informally, in the consideration and discussion of issues related to final status and the exercise of self-determination.
- b. second, that the parties deepen further their examination of each other's proposals and, in particular, seek common ground on the one major point of convergence in their two proposals: the need to obtain the approval of the population for any agreement. It is instructive in this regard that the proposals of both parties foresee, albeit in different form, a referendum that will constitute a free exercise of the right to self-determination
- c. third, that the parties devote additional energy to identifying and discussing a wide range of governance issues with a view to meeting the needs of the people of Western Sahara and with the understanding that many aspects of these issues can be discussed without reference to the nature of the final status of the Territory – for instance, how to structure the its executive, legislative, and judicial branches, how organize and conduct elections, and how to design primary and secondary education.

121. , Addressing human rights issues is also important for the larger resolution of the conflict. Both parties have responsibilities to ensure the protection of human rights. I take note of the recent initiatives of the Kingdom of Morocco which encompass national institutions as indicated in para 17 of this report, as well as the proposed fuller use of the mechanisms of the Human Rights Council. I appreciate the expressed commitment of Morocco to ensure unqualified and unimpeded access to all Special Procedures of the Human Rights Council. I now expect such engagement of the HRC mechanisms to address on an independent, impartial and sustained basis the alleged violations of the universal rights of the people of Western Sahara in the Territory and the camps for the next reporting period.

122. I welcome the resumption of the family-visits, as well as the parties' commitment to make progress on the road option and agreement to resume the seminars. Once again, I urge both parties to continue to cooperate with UNHCR in a constructive and conducive way to the smooth running of the programme's full implementation to maximize the participation of the refugees and their family members divided by the conflict for over 35 years. I strongly call upon both parties to refrain from using this humanitarian programme for politically motivated objectives and to grant UNHCR full and unhindered access to beneficiaries on both sides. I would like also to thank Algeria and Mauritania for their support to this humanitarian programme.

123. I am pleased to note the progress in the clearance of land mines and explosive ordnances of war and the decrease in mine accidents recorded during the reporting period. I am also pleased with the recruitment and training of members of the local population in demining activities. These invaluable activities contribute directly and positively to the safety of the civilian population in the region as well as of United Nations personnel. I also note the increased cooperation in information sharing with the parties and urge more activity in this respect. To allow for this vital work to continue, additional resources for the United Nations mine action efforts in Western Sahara will be required. I call upon donors to support the efforts of the parties and of MINURSO in order to take advantage of the progress and investments made to date.

124. I am concerned with the increase in violations of Military Agreement No. 1 by the parties. I support MINURSO's efforts in working with the parties to review the terms of Military Agreement No. 1 and propose amendments, should the parties deem it necessary. In the meantime, it is their responsibility to ensure that violations are

not committed by their military forces, and I call on them to adhere fully to the provisions of Military Agreement No. 1 and to extend their full cooperation to MINURSO. I reiterate my call to the parties, which has not been followed up to date, to establish direct cooperation and communication through a joint military verification mechanism to discuss allegations of violations and other issues of common interest.

125. This year, the United Nations marks MINURSO's 20-year anniversary and the successful maintenance of the ceasefire, while the situation of Western Sahara remains unresolved and the negotiations towards a future peace agreement continue. In 20 years, the situation on the ground has changed dramatically, both in terms of the size and makeup of the local population as well as of the level of economic activity and infrastructure, with remarkable differences between the Territory west and east of the berm. In this context, MINURSO's role and activities, as spelled out by the Security Council upon its establishment and in subsequent relevant resolutions, are met with increasing challenges to its operations and in its relations to the parties. By way of example, while remaining a constituting element of the Mission's mandate, all activities in preparation of a referendum on self-determination have been suspended owing to the disagreement between the parties. Challenges to the Mission's freedom of movement and operations inside the Territory recorded over the reporting period illustrate the Mission's eroding ability to implement its 1991 mandate, including such fundamental activities as monitoring and reporting developments in Western Sahara as they directly affect the political and security situation.

126. As the sole presence of the United Nations in the Territory – with the exception of a small UNHCR office in support of the confidence-building measures programme – and as a guarantor for the stability of the ceasefire, I believe that the presence of MINURSO remains relevant. However, at this critical juncture and in light of the new challenges described in this report, I would seek the assistance of the Security Council in reaffirming the role of MINURSO and ensuring that the minimum conditions for it successfully to operate are met, and call on the cooperation of both parties, Morocco and the Frente Polisario. In this context, and in light of my Personal Envoy's continuing efforts, I recommend that the Security Council extend the mandate of MINURSO for a further twelve months, until 30 April 2012.

127. In conclusion, I wish to thank Christopher Ross, my Personal Envoy, for his tireless diligence in working with the parties towards a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara. I wish also to thank my Special Representative in Western Sahara, Hany Abdel-Aziz, as well as Major General Jingmin Zhao (China), MINURSO's Force Commander, for their dedication at the helm of MINURSO. I also want to thank the women and men of MINURSO for the work they are doing, under difficult circumstances, to fulfil the Mission's mandate.

## Annex

### United Nations Mission for the Referendum in Western Sahara

#### Contributions as at 30 March 2011

<i>Country</i>	<i>Military observers<sup>a</sup></i>	<i>Troops<sup>a</sup></i>	<i>Civilian police<sup>b</sup></i>	<i>Total</i>
Argentina	3	0	0	3
Austria	2	0	0	2
Bangladesh	8	20	0	28
Brazil	10	0	0	10
China	11	0	0	11
Croatia	7	0	0	7
Djibouti	2	0	0	2
Egypt	20	0	2	22
El Salvador	6	0	3	9
France	13	0	0	13
Ghana	10	7	0	17
Greece	1	0	0	1
Guinea	5	0	0	5
Honduras	12	0	0	12
Hungary	7	0	0	7
Ireland	3	0	0	3
Italy	5	0	0	5
Jordan	2	0	1	3
Malaysia	12	0	0	12
Mongolia	4	0	0	4
Nepal	2	0	0	2
Nigeria	8	0	0	8
Pakistan	10	0	0	10
Paraguay	5	0	0	5
Poland	1	0	0	1
Republic of Korea	2	0	0	2
Russian Federation	17	0	0	17
Sri Lanka	3	0	0	3
Uruguay	3	0	0	3
Yemen	10	0	0	10
<b>Total</b>	<b>204</b>	<b>27</b>	<b>6</b>	<b>237<sup>c</sup></b>

<sup>a</sup> Authorized strength is 231, including the Force Commander.

<sup>b</sup> Authorized strength is 6.

<sup>c</sup> Actual strength on the ground, for military and civilian police, including the Force Commander.

