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SECURITY COUNCIL EXTENDS MANDATE OF UN MISSION FOR REFERENDUM IN WESTERN SAHARA

UNTIL 30 APRIL 2012, UNANIMOUSLY ADOPTING RESOLUTION 1979 (2011)

Calling on Morocco and the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (Polisario Front) to fully adhere to the military agreements reached with the United Nations Mission for the Referendum in Western Sahara (MINURSO), the Security Council today extended that Mission's mandate until 30 April 2012.

Unanimously adopting resolution 1979 (2011), the Council welcomed the parties' commitment to continue holding small, informal talks in preparation for a fifth round of negotiations. In that regard, it recalled its earlier endorsement of the Secretary-General's recommendation of 14 April 2008 that realism and a spirit of compromise by the parties are essential to achieve progress.

The Council also called on the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive negotiating phase by, among other things, devoting attention to the three initiatives proposed by the Secretary-General in paragraph 120 of his report (document S/2011/249). (See Background.)

It further called for continued negotiations without preconditions and in good faith, taking into account efforts made since 2006, with a view to achieving a just, mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara.

In the text's preambular paragraphs, the Council stressed the importance of improving the human rights situation in Western Sahara and the Tindouf camps and encouraged the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights.

The Council welcomed, in that context, the establishment of a National Council on Human Rights in Morocco and the proposed component regarding Western Sahara, as well as Morocco's commitment to ensure unqualified and unimpeded access to all Special Procedures of the United Nations Human Rights Council.

The Council also welcomed the implementation of the enhanced refugee protection programme developed by the Office of the United Nations High Commissioner for Refugees (UNHCR) in coordination with the Polisario Front and requested that Office to maintain its consideration of a refugee registration in the Tindouf camps.

Speaking before the text's adoption, South Africa's representative said that while MINURSO had successfully maintained the ceasefire since its establishment 20 years ago, the self-determination for the people of Western Sahara had not been achieved. He urged the parties to find agreement on key issues, particularly given the current momentous time in North Africa's history, when it was clear that a status quo

in which people were denied their human rights could not be maintained.

“Deeply troubled” that the current resolution made no reference to resolution 690 (1991), which originally established the United Nations Mission and which derived its relevance from the intention to hold a referendum for self-determination, Nigeria’s representative emphasized the need for the people of Western Sahara to determine their own destiny. He said human rights violations — particularly those committed in areas of conflict — required constant monitoring and adequate responses, which could only be provided by a legitimate human rights body. Moreover, it was “inconceivable” that no member of the African Union was among the Group of Friends of Western Sahara, he added.

Speaking after the vote and agreeing that status quo was “unsustainable in the longer term”, the representative of the United Kingdom said, while his country supported the efforts of the Secretary-General’s Special Envoy, Christopher Ross, no progress had been made and that regrettable situation must be addressed. While the core issue under dispute concerned territory and sovereignty, the human rights situation was regularly raised by both parties and comprised an important issue in itself. As such, the United Kingdom was pleased that the resolution now addressed that issue.

France’s representative voiced hope that official negotiations would quickly resume. Expressing support for Mr. Ross’s efforts in that regard, he nevertheless stressed that the future of the process was in the hands of the parties, who must show realism. Indeed, nothing should deviate from ensuring the viability of the Maghreb, he argued, noting that Morocco’s proposal supported that goal. Underscoring the resolution’s message regarding confidence-building measures, including the resumption of family visits, he expressed France’s support for any measures taken towards building mutual confidence.

Calling the resolution “balanced”, Gabon’s representative highlighted its reference to the three proposals from the Secretary-General. He further stressed the need to create conditions conducive to the stability of the Maghreb region.

Convened at 10:40 a.m., the meeting adjourned at 11 a.m.

Resolution

The full text of resolution 1979 (2011) reads as follows:

“*The Security Council,*

“*Recalling and reaffirming* all its previous resolutions on Western Sahara,

“*Reaffirming* its strong support for the efforts of the Secretary-General and his Personal Envoy to implement resolutions 1754 (2007), 1783 (2007), 1813 (2008), 1871 (2009), and 1920 (2010),

“*Reaffirming* its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and *noting* the role and responsibilities of the parties in this respect,

“*Reiterating* its call upon the parties and States of the region to cooperate more fully with the United Nations and with each other and to strengthen their involvement to end the current impasse and to achieve progress towards a political solution,

“*Welcoming* the efforts of the Secretary-General to keep all peacekeeping operations, including MINURSO, under close review and reiterating the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

“*Expressing serious concern* about the increase in violations of existing agreements and *calling on* the parties to respect their relevant obligations,

“*Taking note* of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and welcoming serious and credible Moroccan efforts to move the process forward towards resolution; also *taking note* of the Polisario Front proposal presented 10 April 2007 to the Secretary-General,

“*Inviting* in this context the parties to demonstrate further political will towards a solution including by expanding upon their discussion of each other’s proposals,

“*Taking note* of the four rounds of negotiations held under the auspices of the Secretary-General, and the continued rounds of informal talks in Manhasset (United States), and Mellieha (Malta), and *welcoming* the progress made by the parties to enter into direct negotiations,

“*Welcoming* the parties’ agreement to explore innovative negotiating approaches and discrete subjects,

“*Stressing* the importance of improving the human rights situation in Western Sahara and the Tindouf camps, and encouraging the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights, bearing in mind their relevant obligations under international law,

“*Welcoming* the establishment of a National Council on Human Rights in Morocco and the proposed component regarding Western Sahara, and the commitment of Morocco to ensure unqualified and unimpeded access to all Special Procedures of the United Nations Human Rights Council,

“*Also welcoming* the implementation of the enhanced refugee protection program developed by the Office of the UN High Commissioner for Refugees in coordination with the Polisario Front, which will include human rights training and awareness initiatives,

“*Requesting* UNHCR to maintain its consideration of a refugee registration in the Tindouf refugee camps,

“*Welcoming* the agreement of the parties expressed in the Communiqué of the Personal Envoy of the Secretary-General for Western Sahara of 18 March 2008 and looking forward to the inauguration of family visits by land and the continuation of the existing programme by air, and encouraging the parties to cooperate with the United Nations High Commissioner for Refugees in implementing their agreement,

“*Welcoming* the commitment of the parties to continue the process of negotiations through the United Nations-sponsored talks,

“*Recognizing* that the consolidation of the status quo is not acceptable in the long term, and *noting further* that progress in the negotiations is essential in order to improve the quality of life of the people of Western Sahara in all its aspects,

“*Affirming* support for the Secretary-General’s Personal Envoy for Western Sahara Ambassador Christopher Ross, and his work in facilitating negotiations between the parties also *welcoming* his ongoing consultations with the parties and neighbouring States,

“*Affirming* support for the Special Representative of the Secretary-General for Western Sahara and Head of MINURSO Hany Abdel-Aziz,

“*Having considered* the report of the Secretary-General of 15 April 2011 (S/2011/249),

“1. *Reaffirms* the need for full respect of the military agreements reached with the United Nations Mission for the Referendum in Western Sahara (MINURSO) with regard to the ceasefire and *calls* on the parties to adhere fully to those agreements;

“2. *Calls on* all parties to cooperate fully with the operations of MINURSO and to ensure the

security of as well as unhindered and immediate access for the United Nations and associated personnel in carrying out their mandate, in conformity with existing agreements;

“3. *Welcomes* the parties’ commitment to continue the process of holding small, informal talks in preparation for a fifth round of negotiations, and recalls its endorsement of the recommendation in the report of 14 April 2008 (S/2008/251) that realism and a spirit of compromise by the parties are essential to achieve progress in negotiations;

“4. *Calls* upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring implementation of resolutions 1754 (2007), 1783 (2007), 1813 (2008), 1871 (2009), and 1920 (2010) and the success of negotiations, inter alia, by devoting attention to the ideas in paragraph 120 of the Secretary-General’s report (S/2011/249);

“5. *Affirms* its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara in this context and welcomes the intensified pace of meetings and contacts;

“6. *Calls* upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect;

“7. *Invites* Member States to lend appropriate assistance to these talks;

“8. *Requests* the Secretary-General to keep the Security Council informed on a regular basis, and at least twice a year, on the status and progress of these negotiations under his auspices and express its intention to meet to receive and discuss his report;

“9. *Requests* the Secretary-General to provide a report on the situation in Western Sahara well before the end of the mandate period;

“10. *Welcomes* the commitment of the parties and the neighbouring states to hold periodic meetings with the Office of the High Commissioner for Refugees to review and, where possible, expand confidence-building measures;

“11. *Urges* Member States to provide voluntary contributions to fund confidence-building measures that allow for increased contact between separated family members, especially family visits, as well as for other confidence-building measures that may be agreed upon between parties;

“12. *Requests* the Secretary General in his next report to examine the existing challenges to MINURSO’s operations, reflecting on the situation on the ground;

“13. *Decides* to extend the mandate of MINURSO until 30 April 2012;

“14. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in MINURSO with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action including pre-deployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

“15. *Decides* to remain seized of the matter.”

Background

The Council had before it the Secretary-General's report on the situation concerning Western Sahara (document S/2011/249), which covers developments on the ground, as well as the activities of the United Nations Mission for the Referendum in Western Sahara, known as MINURSO, since 6 April 2010.

In the report, the Secretary-General recommends extending the mandate of MINURSO for a further 12 months, while noting, however, that since the Mission was established 20 years ago, the situation in Western Sahara remained unresolved and challenges to the Mission's freedom of movement and operations during the reporting period illustrated the erosion of its ability to implement its 1991 mandate.

He points out that, 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 thirty-fifth anniversary of the Green March on 7 November. On those occasions, he praised the benefits of his autonomy proposal and pledged to facilitate the return of the Tindouf refugees. For their part, the Polisario celebrated the thirty-fifth anniversary of the Sahrawi Democratic Republic on 27 February and during celebrations at various localities east of the berm, they renewed their call for a multiple option referendum in Western Sahara.

While noting that negotiations towards a future peace agreement were continuing, he reports that the situation on the ground over the last two decades has changed dramatically, in terms of the size and makeup of the local population, as well as of the level of economic activity and infrastructure, resulting in remarkable differences between the territory west and east of the berm. Expressing concern about the deterioration of the security situation — particularly regarding violence at an encampment at Gdim Izik and in Laayoune on 8 November 2011 — he calls on the parties to refrain from such violence in the future.

While noting that the parties have agreed to hold a seventh round of informal talks in May 2011 to examine yet again the proposals of April 2007 and to discuss one or more of the innovative approaches or specific subjects agreed at the sixth round, he cautions that "a total lack of trust continues to haunt the negotiating process, and each party harbours deep suspicions of the other".

Indeed, in his observations, he notes that four years and 10 sets of meetings after Morocco and the Polisario Front presented their respective proposals to the Council, the negotiating process remained deadlocked. Neither party has taken steps that suggested a readiness to compromise, he says, adding that the parties were likely to remain committed to the essence of their proposals despite an agreement at the sixth round of talks to discuss innovative approaches.

Yet, current circumstances may suggest a way forward, he says, stressing that, during a time of protest and contestation throughout North Africa, the sentiments of the population of Western Sahara — both those inside and outside the territory — regarding final status were more central than ever in the search for a just and lasting settlement. However, because those sentiments remained unknown — and the emergence of a final status agreement on which the population had not clearly and convincingly expressed its view would likely cause new tensions in Western Sahara and the region — he suggests the Council may wish to recommend three initiatives to the parties.

First, it might recommend finding the means to include, formally or informally, respected representatives of a wide cross-section of the population inside and outside Western Sahara. Second, it might recommend deepening their examination of each other's proposals and seeking common ground on the one major point of convergence: the need to obtain the population's approval for any agreement. Third, it might recommend the parties' devoting additional energy to identifying and discussing a wide range of governance issues with the understanding that many aspects could be discussed without reference to the nature of the territory's final status.

He strongly calls on both parties to refrain from using the family visits programme for politically motivated objectives and to grant the Office of the United Nations High Commissioner for Refugees full and unhindered access to beneficiaries on both sides.

Concerned with the increase in violations of military agreement No. 1 by the parties, he calls on

them to adhere fully to that agreement's provisions and to extend their full cooperation to MINURSO. He also reiterates his call to the parties, which he says has not yet been followed up, to establish direct cooperation and communication through a joint military verification mechanism to discuss allegations of violations and other issues of common interest.

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