



SECURITY COUNCIL REPORT

UPDATE REPORT



17 May 2006 No. 4

WESTERN SAHARA

Recent Council Action

The adoption by the Council, on 28 April, of a simple “technical rollover” (S/RES/1675) continuing the mandate for MINURSO could be read, at face value, as a reiteration of the status quo and a retreat from the Secretary-General’s recommendations and from the approach of his Personal Envoy, Peter van Walsum. However, it seems that the parties would be unwise to assume that is the case.

Background

Please see our April *Forecast Report* (published on 30 March) for detailed background and list of UN documents.

In his latest report on the situation in Western Sahara on 19 April (S/2006/249), the Secretary-General endorsed the views of van Walsum as conveyed to the Security Council in January. In particular, he concluded that:

- The question of Western Sahara is at an impasse;
- The UN cannot endorse a plan that does not include a genuine self-determination process. However, any new United Nations proposal would be rejected by Morocco unless it excludes independence as an option; a new approach seems necessary;
- Indefinite prolongation of the status quo is unwise;
- Therefore, the UN should “step back” to allow direct negotiations between the parties without pre-conditions, with the goal of working out a compromise.

In addition, the Secretary-General noted:

- Because Western Sahara is not high on the agenda of external actors, and because they all seem to place great store on good relations with both Morocco and Algeria, the temptation is to prolong the status quo. (These factors mean that although no one will say they prefer the status quo, they are more likely to tolerate the status quo than any other solution.)
- MINURSO continues to play a key stabilizing and ceasefire monitoring role and should be renewed for an additional six months.
- On the issue of human rights violations in Western Sahara, he expressed his concern over the plight of the Saharan refugees, and described the Moroccan police’s response to several Saharan demonstrations. Both Morocco and Algeria recently agreed to allow a mission from the UN High Commissioner for Human Rights to be deployed to the region. (The delegation is

going to Rabat, Laayoune and Tindouf between 15 and 21 May 2006 and is meeting with Moroccan officials, leaders of Saharan tribes and representatives of the Polisario.)

Responses to the Secretary-General's report

Morocco seemed to agree with the Secretary-General's approach. Interestingly, the autonomy plan that Council members had been expecting from Morocco was not submitted.

The Polisario rejected the holding of direct talks with Morocco outside the UN framework. Algeria supported the Polisario in a letter addressed to the President of the Council (S/2006/258), which reiterated that a solution had to be found on the basis of the Baker plan (S/2003/565 and Corr.1) and that Algeria would not participate in direct talks between the parties. It also deeply regretted what it interpreted as a possible UN withdrawal from the process because one party had rejected the previous peace plans. Algeria noted that the UN seemed to be accommodating Morocco. Namibia described the proposal as an "attempt to legalize the occupation of Western Sahara" (S/2006/266). South Africa also supported the Algerian position.

It seems that during consultations among the Friends of Western Sahara (comprising France, Russia, Spain, the UK and the US), Algeria made it clear that direct negotiations between the parties could only be specified in the resolution if the terms of the negotiations were defined as being based on the Baker plan. Also, Algeria insisted that the issue of human rights violations be addressed in the draft. Morocco agreed to the idea of holding direct negotiations, but only with the participation of Algeria and without preconditions, and rejected any provision on human rights. Due to disagreements over those two issues, for the purpose of negotiation France suggested that they should cancel each other. Therefore, the resolution does not contain any reference to the violation of human rights, nor does it call on the parties to hold direct talks.

Council Consideration

As predicted in our April *Forecast Report*, and as recommended by the Secretary-General, the Council proceeded with a technical rollover of MINURSO for an additional six months (until 31 October 2006). The resolution did not take on board any of the wider concerns expressed by the Secretary-General.

It seems that various Council members were reluctant to endorse the new approach. Some felt that the Secretary-General's report on MINURSO had been more substantive than expected and they were not ready to see its conclusions reflected in the resolution.

Nevertheless, looking closely at the statements made by Council members (S/PV.5431), it seems that there may be a growing concurrence with the Secretary-General that simple prolongation of the status quo is not a viable or wise option. Several delegations said clearly that they were expecting the parties to use this six-month period to make progress in negotiations. More specifically, the Secretary-General's approach was supported by the UK, Denmark, Japan, Argentina and France. France and the UK emphasized the need for direct negotiations. The US and France mentioned the proposed Moroccan autonomy plan. (Indeed, it is still believed by some Council members that the presentation of this plan would be a useful development as it would enable the Polisario and Algeria to assess the range of options that may be on the table.)

Concern over the human rights situation was expressed by the UK, Denmark, Argentina, France and Slovakia (many Council members seemed disappointed that the resolution did not address human rights issues).

Tanzania recalled that the right of self-determination of the people of Western Sahara should not be overlooked and that there should be no preconditions in that regard. The US also referred to the principle of self determination. The UK supported the need for the process to be without conditions.

There was no attempt to deflect the overall trend in the public signals being sent by other Council members that the parties would be wise to work hard during the coming six months to find ways to negotiate rather than to depend on the UN to come up with solutions.

It seems, therefore, that a majority of Council members have edged cautiously towards the Secretary-General's view that it is time for direct negotiations between the parties and that the UN should step back. But it remains to be seen whether that approach will be sustained if there is no progress within the next six months. On the one hand, the default position of simply tolerating the status quo could re-emerge. On the other hand, there seemed to be a signal from the US that, if there were no progress, they may be willing to consider going to the logical next step. The US statement included the following:

“We must continue to monitor the ability of the Mission to carry out its mandated tasks, taking into account limited peacekeeping resources”

It is entirely possible, therefore, that this could lead to Council members being willing to discuss the future of MINURSO in October. Argentina also suggested that another technical rollover would be unacceptable.