



SECURITY COUNCIL REPORT UPDATE REPORT



9 February 2010 No. 3

WESTERN SAHARA

Expected Council Action

In February the Personal Envoy of the Secretary-General for Western Sahara, Christopher Ross, will coordinate a meeting between Morocco and the Polisario Front. This meeting follows the UN's proposal to hold informal direct talks over the status of Western Sahara. The Security Council is not expected to take any action in February, but members are watching developments closely bearing in mind that the mandate of the UN peacekeeping operation MINURSO, expires in April.

Key Recent Developments

On 2 February, the Secretary-General issued a statement welcoming the parties' decision to agree to the proposal for informal talks made by his Special Envoy. The talks will take place on 10-11 February outside New York and allow the parties to renew each other's positions on Western Sahara, including:

- Morocco's proposal that Western Sahara should be an autonomous region within Morocco; and
- Polisario Front's position that the territory's final status can only be decided in a referendum that includes independence as a legitimate option.

In December 2009 some Council members requested a briefing from the Secretariat on Western Sahara. The briefing was agreed upon just before Christmas but has not been scheduled as of this writing.

On 30 April 2009, the Council extended the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) through resolution 1871. The Council also called on the parties to continue negotiations in good faith, with a view to achieving political solution. MINURSO has been in place since 1991.

The Secretary-General in his April 2009 report had referred to the idea that the parties should hold small informal talks in preparation of a fifth round of negotiations.

Since the adoption of the resolution, Ross conducted several rounds of talks with different actors, including representatives from Morocco and Polisario, as well as representatives from neighboring countries including Algeria, Mauritania and other interested countries, such as Spain. These consultations seem to have prompted the parties to agree to continue to negotiate in good faith towards a solution to the issue of Western Sahara. The informal meeting later this week will be the first direct meeting between the two parties since one held in Austria last August.

It is possible that confidence-building will be a major focus for the coming discussion. Other stakeholders including Council members hope that it will encourage the parties to:

- agree to participate in a series of concrete talks enabling progress in the negotiations;
- show renewed political will to comply with resolutions 1754 and 1783 (2007) and 1813 (2008), which call on the parties to continue negotiations without preconditions and in good faith with a view to achieving an agreed political solution, which will provide for the self-determination of the people of Western Sahara and consistent with the Charter of the UN; and
- continue negotiations under the auspices of the Secretary-General.

It seems that such developments are now essential if the UN member states are to continue to lend support to these talks and provide funding for confidence-building measures such as allowing increased contact between separated family members and family visits.

Tensions increased in late 2009 as several groups of Sahrawi activists were detained by the Moroccan government. The detention also highlighted the significance of one aspect of the Secretary-General's report in April 2009 which highlighted the need to uphold international human rights standards and urged the parties to work with the Office of High Commissioner for Human Rights with a view to ensuring respect for the human rights of the people of Western Sahara in the territory and in refugee camps.

Several Council members expressed their concern in the situation of human rights in Western Sahara in the last meeting in April 2009. In addition, the Secretary-General has repeatedly pointed out that MINURSO currently does not have the mandate or the capacity to monitor human rights.

On 13 November 2009 the chairwoman of the Collective of Sahrawi Human Rights Defenders, Aminatou Haidar, was refused entry into Moroccan-controlled Western Sahara on the grounds that she denied her Moroccan nationality, as she wrote her place of residence to be Western Sahara on her entry form. The Moroccan authorities detained Haidar at the airport overnight, then confiscated her passport and national identity card before putting her on a plane to Spain, where she spent 32 days on a hunger strike at Lanzarote airport demanding the right to return to her homeland. Haider ended her hunger strike and returned home after the Morocco government reversed its expulsion order against her on 18 December 2009.

The Secretary-General issued a statement thanking the parties involved for finding a solution to Haidar's situation. He urged the parties to work with his Personal Envoy and resume negotiations in solving the Western Sahara issue.

On 12 October 2009, the Secretary-General appointed Hany Abdel-Aziz of Egypt as his Special Representative for Western Sahara and the Head of MINURSO.

Options

It is unlikely the Council will be considering any options on the Western Sahara meeting.

However, a briefing at a later stage by the Personal Envoy is one possible as is a statement:

- welcoming the efforts of the Secretary-General's Personal Envoy to bring the parties together;
- encouraging the parties to continue to engage in negotiations; and
- highlighting the role of building political confidence among the parties and the need for ongoing support from other states.

Council Dynamics

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Council members support the Special Envoy's proposal to hold these informal talks.

In the past both the US and France have tended to support autonomy under Moroccan sovereignty as a viable option whereas Russia tends to sympathise with the Polisario position which insists the territory's final status should be decided in a referendum that includes independence as an option.

The US supports improved relations between Morocco and Algeria on the grounds that this could help address some of the challenges facing North Africa but recognises that one of the keys to this is a solution to the Western Sahara issue.

The UK in the past has taken the middle ground and notes that the neighbouring countries play an important role in reaching a solution to the issue of Western Sahara.

A number of elected Council members have been increasingly concerned about human rights in the context of Western Sahara. Concerns have been raised by several members about human rights violations by both parties. However, some other members have been reluctant to address this issue or include references in resolutions. During last April's debate Costa Rica stated that full respect for human rights is an important prerequisite to the solution for the conflict in Western Sahara and expressed its disappointment that human rights concerns were not reflected in the resolution. The UK, Uganda, Austria and Mexico raised similar concerns. Uganda pointed out that MINURSO was an exception among peacekeeping operations in that it did not have a human rights component.

UN Documents

Selected Security Council Resolutions

- S/RES/1871 (30 April 2009) called the parties to continue dialogue and negotiations through UN sponsored talks.
- S/RES/1813 (30 April 2008) endorsed the Secretary-General's recommendation that realism and a spirit of compromise are essential for the negotiations to move forward, called upon the parties to continue negotiations without preconditions and in good faith and extended MINURSO's mandate for 12 months.
- S/RES/1783 (31 October 2007) called upon the parties to continue negotiations taking into account the efforts made since 2006 and extended MINURSO's mandate for six months.
- S/RES/690 (29 April 1991) established MINURSO.

Secretary-General's Latest Report

- S/2009/200 (13 April 2009)
- S/2008/251 (14 April 2008)

Latest Press Statement

- SC/9241 (4 February 2008)

Other

- SG/SM/12734 (2 February 2010) was the Secretary-General's statement welcoming the parties agreement to the UN proposal to the upcoming meeting.
- SG/SM/12677 (18 December 2009) was the Secretary-General's statement welcoming the end to the Western Sahara human rights activist hunger-strike.
- S/2009/526 (6 October 2009) was the letter from the Secretary-General to the

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Council expressing his intention to appoint Hany Abdel-Azis as his Special Representative for Western Sahara and Head of MINURSO.

- S/P.V.6117 (30 April 2009) was the Council meeting extending MINURSO's mandate.
- A/63/871-S/2009/198 (9 April 2009) was a letter from a representative of the Polisario Front addressed to the President of Security Council.
- S/2009/19 (6 January 2009) was the letter from the Secretary-General to the Council expressing his intention to appoint Christopher Ross as his new personal envoy for Western Sahara.

Other Relevant Facts

Special Representative of the Secretary-General
Hany Abdel-Aziz (Egypt)
Secretary-General's Personal Envoy
Christopher Ross (USA)
MINURSO Force Commander
Major General Zhao Jingmin (China)
Size and Composition of Mission
<ul style="list-style-type: none">• <i>Authorised strength:</i> 231 military personnel and six police officers• <i>Strength (as of 31 December 2009):</i> 232 total uniformed personnel, including 27 troops, six police officers, 199 military observers; supported by 97 international civilian personnel (as of 31 October 2009), 157 local civilian staff and 19 UN volunteers
Cost
1 July 2009-30 June 2010: \$53.53 million (A/C.5/63/25)

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