



# General Assembly

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## Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

### Western Sahara

#### Working paper prepared by the Secretariat

#### I. Reports and good offices of the Secretary-General

1. Pursuant to General Assembly resolution [74/97](#), the Secretary-General submitted to the Assembly at its seventy-fifth session a report on the question of Western Sahara ([A/75/367](#)). The report covered the period from 1 July 2019 to 31 August 2020 and contained a review of the activities carried out by the Secretary-General in the exercise of his good offices.

2. During the period under review, pursuant to Security Council resolution [2494 \(2019\)](#), the Secretary-General also submitted a report, on 23 September 2020, to the Security Council on the situation concerning Western Sahara ([S/2020/938](#)). The present working paper provides a summary of the aforementioned reports, with additional information regarding the consideration of that question by the Security Council and the General Assembly.

3. In its resolution [2494 \(2019\)](#), adopted on 30 October 2019, the Security Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2020. In the same resolution, the Council paid tribute to Horst Köhler as the former Personal Envoy of the Secretary-General for Western Sahara; commended his efforts in holding the round-table process, which had created new momentum in the political process; called upon the parties to resume 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 would 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 that respect; and invited Member States to lend appropriate assistance to those talks.



4. The report of the Secretary-General to the Security Council (S/2020/938) covered developments since his previous report dated 2 October 2019 (S/2019/787) and provided, among other things, information on the situation on the ground, the status of political negotiations on Western Sahara, the implementation of resolution 2494 (2019) and the existing challenges to the Mission's operations and steps taken to address them.

5. In his report, the Secretary-General informed the Security Council that overall calm had prevailed in Western Sahara on both sides of the berm. While respect for the ceasefire agreement by both parties had generally continued, there had been a notable decline in compliance with the terms of military agreement No. 1, particularly east of the berm.

6. The impact of the coronavirus disease (COVID-19) pandemic on Western Sahara had been moderate west of the berm. Following early and thorough preventive and containment measures by Morocco, that part of the Territory had witnessed only a handful of cases until 30 May. At that point, a significant outbreak had been detected in the area of Laayoune. As at 31 August, the number of active cases in Laayoune had been 41. The Frente Popular para la Liberación de Saguía el-Hamra y Rio de Oro (Frente POLISARIO) had reported taking strict measures to prevent the spread of the virus east of the berm, where no cases had been officially reported. In the Sahrawi refugee camps near Tindouf, Algeria, three active cases had officially been identified as at 31 August. In the town of Tindouf, where a number of United Nations and international humanitarian operators had offices, cases had been detected in August and, as at 31 August, 43 cases had remained active.

7. On 5 November 2019, during his annual address on the anniversary of the Green March, King Mohammed VI of Morocco had stated that Morocco "will continue to work honestly and in good faith to achieve a political, realistic, practical and consensual solution based exclusively on the political approach adopted by the United Nations Organization and the relevant Security Council resolutions". He had further said that the 2007 autonomy proposal of Morocco had been "the only way forward towards a settlement guaranteeing full respect for the Kingdom's national unity and territorial integrity". In a statement on 7 November 2019, Frente POLISARIO had stated that "the Sahrawi people will continue their struggle for freedom and independence".

8. Between 18 December 2019 and 12 March 2020, Burundi, the Central African Republic, Comoros, Côte d'Ivoire, Djibouti, Gabon, the Gambia, Guinea, Liberia and Sao Tome and Principe had inaugurated "Consulates General" in Laayoune or Dakhla. In letters addressed to the Secretary-General on 3 July 2019, 20 November 2019, 7 January 2020, 17 January 2020 and 18 February 2020, Brahim Ghali, Secretary-General of Frente POLISARIO, had defined those diplomatic representations as a "violation of international law and [...] breach of the international legal status of Western Sahara as a Non-Self-Governing Territory".

9. From 19 to 25 December 2019, Frente POLISARIO had held its fifteenth Congress in Tifariti, east of the berm. The incumbent, Brahim Ghali, had been the sole candidate for the position of Secretary-General of Frente POLISARIO and had been re-elected for another term. Mr. Ghali had written to the Secretary-General of the United Nations on 28 December 2019 to inform the latter that the Congress had expressed "firm and strong support for the decision taken by Frente POLISARIO regarding [reconsidering] its engagement in the United Nations peace process" and concern at the "failure to fulfil the mandate of MINURSO". He had also reiterated his continued commitment to a peaceful solution to the conflict, but indicated that it would "never be a partner in any process that does not fully respect and provide for

the exercise by the people of Western Sahara of their inalienable right to self-determination and independence”.

10. On 22 January, the House of Representatives of Morocco had adopted two laws updating the limits of its territorial waters and of its exclusive economic zone, which included the waters off the coast of Western Sahara. On 22 January, Mr. Ghali had written to the Secretary-General that Frente POLISARIO considered that the two laws represented “breaches of the international legal status of Western Sahara as a Non-Self-Governing Territory”.

11. Morocco had continued its infrastructure investment west of the berm. It had announced, for example, the construction of a new port approximately 70 kilometres north of Dakhla. In a letter dated 19 September 2019 to the Under-Secretary-General for Peace Operations and the Special Representative for Western Sahara, the Representative of Frente POLISARIO in New York had stated that that initiative had intended “to consolidate and normalize [the] military occupation and the illegal annexation of parts of Western Sahara”.

12. The situation in Guerguerat had remained calm overall, with only sporadic demonstrations between October 2019 and March 2020 that had not affected the flow of commercial and civilian traffic. On 15 May, during the COVID-19 lockdown period, civilian truck drivers and workers stranded in the buffer strip had demonstrated to demand entry into Western Sahara. As in previous years, however, tensions had risen considerably in early January around the passage of the annual Africa Eco Race auto rally competition through Western Sahara and Guerguerat from 11 to 13 January. On 31 August and 1 September, approximately 20 Sahrawi protesters had again gathered inside the buffer strip, briefly putting up roadblocks. Frente POLISARIO had issued a statement on 1 September expressing solidarity with the protests. Morocco had expressed concern to the Special Representative of the Secretary-General about that “deliberate and unlawful provocation”.

13. Turning to the activities of MINURSO, the overall impact of the COVID-19 pandemic on MINURSO operational activities had been moderate. Logistical and maintenance activities had had to be replanned and reorganized to accommodate the necessary reduction in movements. MINURSO had been able to maintain its ceasefire monitoring activities at adequate levels, despite a reduction by 30 per cent in ground patrols and 10 per cent in air patrols. In agreement with the parties, special preventative measures and protocols had been implemented to ensure the safe movement of military and civilian staff between MINURSO locations and to ensure that ground patrols were conducted in such a way as to minimize exposure to the virus for both MINURSO military observers and their local interlocutors.

14. Between 1 September 2019 and 31 August 2020, the Mission had observed a total of 61 violations committed by the parties, 8 by the Royal Moroccan Army and 53 by Frente POLISARIO military forces. Those had been in addition to the nine unaddressed long-standing violations by the Royal Moroccan Army, one of which had been added in July 2020 and another had been reinserted in August 2020 after it had been removed in February. The four long-standing violations by Frente POLISARIO military forces also remained unaddressed.

15. Regarding mine action, as at 31 August 2020, 44 of the 522 known cluster strike areas and 24 of the 61 known minefields had remained to be addressed east of the berm. On 20 March, mine action activities had been partially suspended east of the berm owing to the closure of the border between Algeria and the Territory of Western Sahara to control the spread of the COVID-19 pandemic. An emergency explosive ordnance disposal response team had been maintained in the Territory.

16. On substantive civilian activities, before and during the pandemic, the Special Representative of the Secretary-General had continued to engage with the parties. In October 2019, at the invitation of Morocco, he had held four meetings in New York with the Permanent Representative of Morocco to the United Nations. Nevertheless, until the COVID-19 pandemic had restricted movement in March, Moroccan authorities had yet to resume regular meetings with the Special Representative, although coordination had been maintained by telephone on the coronavirus response and other matters. Cooperation with Morocco at the level of military command had continued. Frente POLISARIO had continued to decline meetings with the Mission's leadership, both civilian and military, in Rabouni, where meetings had previously been held in accordance with long-standing practice.

17. East of the berm or in the refugee camps near Tindouf, MINURSO and United Nations humanitarian staff had maintained unimpeded access to the refugees and other local and international interlocutors.

18. MINURSO had faced a series of ongoing challenges to its operations that had affected the implementation of its mandate and the safety and security of its personnel. The COVID-19 pandemic had intensified those challenges. The lack of progress in the political process had contributed to increased criticism of MINURSO and the United Nations by Frente POLISARIO. In a letter to the Secretary-General dated 7 September, Mr. Ghali had indicated that "the failure of the United Nations Secretariat and the Security Council to act robustly [... had ...] undermined the credibility of the United Nations and deepened the loss of faith amid the Sahrawi people in the already fragile United Nations peace process". The statements had coincided with reduced collaboration by Frente POLISARIO military forces with MINURSO on the ground. The lack of dialogue between the military leaderships had resulted in questions related to the ceasefire being left unaddressed and inconsistencies in relations across regions. The Mission's lack of access to local interlocutors west of the berm had severely limited its ability to independently collect reliable situational awareness information and to assess and report on developments across its area of responsibility.

19. With regard to assistance to refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR) had continued to provide international protection and, together with the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP), had delivered humanitarian assistance to Sahrawi refugees living in the five camps near Tindouf. The main challenge for humanitarian actors had remained the resource shortfall and a lack of predictable funding.

20. To prevent the spread of COVID-19 and mitigate its impacts, all non-life-saving activities had been put on hold on 16 March 2020. Food, water, sanitation and hygiene and health sector services had been prioritized, as well as other critical areas. Life-saving activities had been maintained in the camps, with basic and essential services being provided. UNHCR had also provided veterinary medicines to help eliminate goat plague in the camps; the epidemic caused the loss of hundreds of livestock, further degrading the food security of vulnerable Sahrawi refugees. Algerian authorities had included the Saharawi refugee population in their overall COVID-19 prevention and response.

21. UNHCR had coordinated a COVID-19 preparedness and response plan in the Sahrawi refugee camps with Sahrawi health experts and Tindouf health authorities. UNICEF had also taken the lead in ensuring educational continuity and the safe return to schools, as well as psychosocial support for children in the context of the COVID-19 pandemic, with other United Nations agencies and partners.

22. With the onset of the pandemic, subsequent camp lockdowns and the halting of economic activities, a rise in the number of refugees needing food assistance had been

anticipated. A household impact survey conducted in April by WFP, UNHCR and the International Committee for the Development of Peoples had indicated that the pandemic had had a negative effect on households and that the majority had lost income.

23. The confidence-building measures, pursuant to Security Council resolution [1282 \(1999\)](#) and subsequent resolutions, to allow family links between Sahrawi refugees in the Tindouf camps and their communities of origin in the Territory of Western Sahara have remained on hold.

24. With regard to human rights, lack of access by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to Western Sahara continued to result in substantial gaps in human rights monitoring in the Territory. OHCHR had remained concerned about the continued trend of restrictions on the rights to freedom of expression, peaceful assembly and association in Western Sahara by Moroccan authorities. During the reporting period, OHCHR had received reports of harassment, arbitrary arrest and sentencing of journalists, lawyers and human rights defenders. OHCHR had also received several reports about torture, ill-treatment and medical neglect in Moroccan prisons, with civil society organizations and lawyers advocating the release during the COVID-19 pandemic of Sahrawi prisoners such as the Gdeim Izik group and a group of students.

25. The Secretary-General had received letters from Morocco on 14 August and 24 August 2020 that had provided information concerning the “daily promotion and protection of human rights and fundamental freedoms” in the Territory, including information on the specific incidents outlined in his regular reports to the Security Council, as well as information regarding alleged “violations of human rights, fundamental freedoms and international humanitarian law in the Tindouf camps”.

26. Furthermore, the human rights situation in Western Sahara had been adversely affected by the COVID-19 crisis, especially with regard to economic and social rights. OHCHR had received reports of negative consequences of border closures, impediments to humanitarian aid and decreased economic activities in the Tindouf refugee camps. OHCHR had also received reports of harassment, arrest and ill-treatment by Frente POLISARIO security forces of bloggers, doctors and nurses engaged in documenting COVID-19 cases in the Tindouf camps.

27. In his address at the thirty-third ordinary session of the Assembly of Heads of State and Government of the African Union, on 9 February 2020, the Chairperson of the African Union Commission, Moussa Faki Mahamat, had noted that “the Western Sahara conflict remains the oldest unresolved conflict on the continent” and had called for the “implementation of the [2018] Nouakchott decision, which asks the [African Union] Troika to give an effective support to the efforts made by [the United Nations], to whom the parties have voluntarily entrusted the search for a lasting and fair solution to the dispute”.

28. In his observations and recommendations, the Secretary-General remained convinced that a solution to the question of Western Sahara was possible despite the pause in the political process since the resignation, for health reasons, of his Personal Envoy, Mr. Köhler. Finding a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara in accordance with resolutions [2440 \(2018\)](#), [2468 \(2019\)](#) and [2494 \(2019\)](#) continued to require strong political will from the parties, and from the international community. His Personal Envoy had been able to reinstate a much-needed dynamic and momentum in the political process, including through the round-table process he had launched which had brought together Morocco, Frente POLISARIO, Algeria and Mauritania. It was essential that continuity in that political process not be lost. The Secretary-General remained committed to appointing a new Personal Envoy to build

on the progress achieved. The Secretary-General called upon Security Council members, friends of Western Sahara and other relevant actors to encourage Morocco and Frente POLISARIO to engage in good faith and without preconditions in the political process as soon as his new Personal Envoy was appointed.

29. The Secretary-General was concerned that the parties had moved further apart since his previous report to the Security Council (S/2019/787). The continued lack of trust between them had been exacerbated by assertive acts and symbolic gestures in the Territory that could potentially undermine the ceasefire and serve as a source of increased tensions. That could be detrimental to the achievement of a just, lasting and mutually acceptable political solution through negotiation. He believed, however, that the parties continued to have a great number of interests in common that should encourage them to work together. He therefore urged the parties to make active gestures of good faith that demonstrated their willingness to make progress towards a political solution to the conflict, and to refrain from rhetoric and actions that were harmful to such a resolution.

30. Despite some of the challenges described in the report (S/2020/938), MINURSO had continued to fulfil its mandate and maintain an enabling environment for a political process to resume. The Mission's diligence in monitoring the implementation of the agreements related to the ceasefire, and its persistent attempts to engage with the parties to address potential sources of tension, fulfilled a crucial conflict prevention role. As a result of those efforts, instances of tension had been defused and several major and long-standing violations had been resolved west of the berm, providing tangible results illustrating the value of preventive diplomacy and open channels of communication.

31. The Secretary-General was concerned about the recent decline in compliance with military agreement No. 1. That undermined the arrangements that were the basis for the lasting ceasefire. He called upon Frente POLISARIO to meet with the MINURSO Force Commander and swiftly resolve the many outstanding violations of military agreement No. 1. He called upon Morocco to maintain the military cooperation he had cited in his previous report. He further encouraged the Security Council to reiterate that fundamental principle and its steadfast support for MINURSO in upholding the terms of the ceasefire and preventing conflict.

32. In the interests of all, the Secretary-General called once again upon all the parties to remain committed and to maintain regular contacts with MINURSO leadership, both civilian and military. His Special Representative's unhindered ability to meet with either party as necessary was essential to the Special Representative's role as his representative in the Territory. He also encouraged Frente POLISARIO to appoint a new Coordinator with MINURSO in the Mission area.

33. The status of the buffer strip as a demilitarized zone had remained a cornerstone of the ceasefire in Western Sahara and the Secretary-General called upon the parties to discontinue military activity or presence inside that area. He was also concerned about the increased reports of the presence of drug smugglers and other criminal elements in Western Sahara, which both parties had demonstrated commitment to countering. Recognizing that that was a valid concern, he reminded the parties that addressing those challenges with military means in a manner that contravened military agreement No.1 undermined the ceasefire and therefore could not be justified.

34. MINURSO was the main and often sole source of impartial information and advice to the Secretary-General, the Security Council, the Member States and the Secretariat concerning developments in the Territory. In that regard, the Mission was a vital early warning mechanism. MINURSO also filled an indispensable conflict prevention role and provided visible and enduring testimony to the commitment of

the United Nations and the international community towards achieving a just, lasting and mutually acceptable political solution to the conflict in Western Sahara in accordance with resolutions [2440 \(2018\)](#), [2468 \(2019\)](#) and [2494 \(2019\)](#). The Secretary-General therefore recommended that the Council extend the mandate of MINURSO for one year, until 31 October 2021.

## II. Consideration by the Security Council

35. Following its consideration of the report of the Secretary-General, the Security Council adopted resolution [2548 \(2020\)](#) on 30 October 2020, by which it decided to extend the mandate of MINURSO until 31 October 2021. In the same resolution, looking forward to the appointment of a new Personal Envoy of the Secretary-General for Western Sahara at the earliest opportunity, the Council emphasized the need to achieve a realistic, practicable and enduring political solution to the question of Western Sahara based on compromise and expressed its full support for the ongoing efforts of the Secretary-General and his incoming Personal Envoy to sustain the renewed negotiations process in order to achieve a solution to the Western Sahara question.

36. The Council called upon the parties to resume 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 would 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 that respect. The Council also emphasized the importance of a renewed commitment by the parties to advancing the political process in preparation for further negotiations and called upon the parties to demonstrate political will and work in an atmosphere propitious for dialogue in order to advance negotiations.

## III. Consideration by the General Assembly

37. During the debate held by the Special Political and Decolonization Committee (Fourth Committee) from 14 October to 4 November 2020, Member States addressed, among other things, the issue of Western Sahara. Member States welcomed the two round tables convened by the former Personal Envoy for Western Sahara in December 2018 and March 2019. Some supported the position of Morocco and its autonomy plan and requested the incoming Personal Envoy to follow in the footsteps of Mr. Köhler, who had achieved positive momentum, while others expressed support for the right of the Sahrawi people to self-determination and appealed for the appointment of a new Personal Envoy as soon as possible (see [A/C.4/75/SR.2](#), [A/C.4/75/SR.3](#), [A/C.4/75/SR.4](#), [A/C.4/75/SR.5](#), [A/C.4/75/SR.6](#), [A/C.4/75/SR.7](#), [A/C.4/75/SR.8](#) and [A/C.4/75/SR.9](#)).

38. At its 10th meeting, on 6 November, the Committee had before it a draft resolution entitled “Question of Western Sahara” ([A/C.4/75/L.3](#)), submitted by the Chair, which it adopted without a vote.

39. On 10 December, the General Assembly adopted the draft resolution, without a vote, as resolution [75/106](#). In that resolution, the Assembly, among other things, welcomed the commitment of the parties to continue to show political will and work in an atmosphere propitious for dialogue, also welcomed the ongoing negotiations between the parties, called upon the parties to cooperate with the International Committee of the Red Cross and to abide by their obligations under international

humanitarian law, requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its seventy-sixth session and invited the Secretary-General to submit to the Assembly at its seventy-sixth session a report on the implementation of the resolution.

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