

**General Assembly**Distr.: General
28 March 2007

Original: English

**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**

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I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 60/114, the Secretary-General submitted to the Assembly at its sixty-first session a report on the question of Western Sahara (A/61/121). The report covered the period from 1 July 2005 to 30 June 2006 and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, the Secretary-General submitted two reports to the Security Council on the situation concerning Western Sahara (S/2006/249 and S/2006/817), pursuant to Security Council resolutions 1634 (2005) and 1675 (2006). The Security Council also adopted resolution 1720 (2006) on 31 October 2006.

3. In its resolution 1634 (2005), the Security Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2006. The Council also requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period and requested the Personal Envoy of the Secretary-General, Peter van Walsum, to provide a briefing, within three months of the adoption of the resolution, on the progress of his efforts.

4. In accordance with Security Council resolution 1634 (2005), the Personal Envoy briefed the Security Council on 18 January 2006 on the progress of his efforts.

5. Pursuant to Security Council resolution 1634 (2005), the Secretary-General submitted to the Council a report dated 19 April 2006 (S/2006/249) in which the Council was informed that, in his briefing of 18 January 2006 to the Security Council, the Personal Envoy had concluded that the Security Council was firm in its opinion that it could only contemplate a consensual solution to the question of Western Sahara. From this the Personal Envoy had deduced that there were only two options left: indefinite prolongation of the current deadlock in anticipation of a different political reality; or direct negotiations between the parties. Therefore he suggested direct negotiations without preconditions should be held.

6. At the same time, it should be made clear to the parties that the United Nations was taking a step back and that the responsibility now rested with them. However, that did not mean that the parties would henceforth be on their own, as there was consensus in the Council that any solution to the problem of Western Sahara had to be found in the framework, or under the auspices, of the United Nations.

7. The Secretary-General further reported that, since his briefing of 18 January 2006, the Personal Envoy had become even more conscious of the forces outside the region constituting a powerful temptation to acquiesce in the continuation of the impasse, as many countries would find the status quo to be more tolerable than any of the possible solutions.

8. The Secretary-General concurred with the view of his Personal Envoy that the Security Council could not afford to adopt such an attitude. It could not wait for the question of Western Sahara to deteriorate from being a source of potential instability in the region to becoming a threat to international peace and security. Instead, both the Council and its individual member States should do all in their power to help negotiations get off the ground. The objective of those negotiations must be a just,

lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

9. A second report dated 16 October 2006 (S/2006/817) stated that, during his various meetings in the region and in New York, the Personal Envoy had listened to the parties' concerns and positions on the way out of the current impasse, and reiterated the recommendation for negotiations between Morocco and the Frente Polisario.

10. With regard to military activities, MINURSO continued to enjoy good relations with both the Royal Moroccan Army and the Frente Polisario armed forces, although the parties continued to abstain from dealing directly with each other. On 1 June 2006, MINURSO had started to record restrictions on freedom of movement for military observers as violations of military agreement No. 1, and from 1 June to 5 October 2006, 539 such violations had been recorded on the side of the Royal Moroccan Army and 86 on the Frente Polisario side. The Mission had organized mine awareness activities in the form of mine-risk education in the refugee camps of Tindouf.

11. With regard to confidence-building measures, the programme of exchange of family visits between the Territory and the refugee camps in the Tindouf area had been resumed on 25 November 2005 after an 11-month hiatus. However, it had been suspended again in late May 2006 owing to difficulties related to flight schedules. The telephone service between the Tindouf camps and the Territory continued to operate successfully, and the Office of the United Nations High Commissioner for Refugees remained ready to implement the postal service in accordance with the modalities initially proposed or under any terms that would meet the approval of all concerned.

12. With regard to restructuring and administration of the Mission, the recommendations of a civilian management review conducted in May 2005 and a security assessment conducted in December 2005 were being implemented, with the resultant transfer of 30 international staff positions to a combination of United Nations Volunteer and local staff positions.

13. In his recommendations and conclusions, the Secretary-General stated that, based on the assessment of the activities of his Personal Envoy, he would like to recommend that the Security Council call on the two parties, Morocco and the Frente Polisario, to enter into negotiations without preconditions, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. The neighbouring countries, Algeria and Mauritania, should also be invited to these negotiations and consulted separately on issues directly affecting them, in accordance with the format that was observed during the tenure of the previous Personal Envoy, James A. Baker III.

14. Concluding the report, the Secretary-General expressed his appreciation to his Special Representative, Francesco Bastagli, for service with great dedication until the end of September 2006.

15. In a letter dated 31 January 2007 (S/2007/55), the Secretary-General informed the President of the Security Council of his intention to appoint Julian Harston of the United Kingdom of Great Britain and Northern Ireland as his Special Representative for Western Sahara.

II. Consideration by the Security Council

16. The Security Council considered the reports of the Secretary-General contained in documents S/2006/249 and S/2006/817.

17. By its resolution 1634 (2005), the Security Council decided to extend the mandate of MINURSO until 30 April 2006 and requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period.

18. By its resolution 1675 (2006), the Security Council reaffirmed its commitment to assist the parties to achieve 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 noted the role and responsibilities of the parties in this respect. The Council also reaffirmed the need for full respect of the military agreements reached with MINURSO with regard to the ceasefire and called on Member States to consider voluntary contributions to fund confidence-building measures that allowed for increased contact between separated family members, especially family unification visits. The Council requested the Secretary-General to continue to take the necessary measures to achieve actual compliance in MINURSO with the United Nations zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and appropriate mechanisms to prevent, identify and respond to all forms of misconduct, including sexual exploitation and abuse, and the enhancement of training for personnel to prevent misconduct and ensure full compliance with the United Nations code of conduct, and requested the Secretary-General to take all necessary action in accordance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to keep the Council informed. The Council also urged troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel. The Council decided to extend the mandate of MINURSO until 31 October 2006.

19. In a letter dated 26 June 2006 addressed to the President of the Security Council, referring to resolution 1675 (2006), the Secretary-General stated that the resolution had been adopted unanimously, but most of the members of the Council who had made a statement after the vote had expressed the hope that the next six months would be used to make progress beyond the current impasse, so that at the next mandate renewal in October the Council would not need to content itself again with a purely technical rollover. The Secretary-General went on to say that he felt that all should act to move the process forward.

20. In its resolution 1720 (2006), the Security Council, *inter alia*: reaffirmed its strong support for the efforts of the Secretary-General and his Personal Envoy; reiterated its call upon the parties and States of the region to continue to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution; reaffirmed the need for full respect of the military agreements reached with MINURSO with regard to the ceasefire; called on Member States to consider voluntary contributions to fund confidence-building measures that allowed for increased contact between separated family members, especially family

unification visits; requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period; and decided to extend the mandate of MINURSO until 30 April 2007.

III. Consideration by the General Assembly

21. During the general debate at the sixty-first session of the General Assembly, a number of representatives referred to the question of Western Sahara in their statements. During the debate in the Special Political and Decolonization Committee (Fourth Committee), held from 3 to 13 October 2006, a number of Member States also made reference to the question of Western Sahara.

22. At its 3rd meeting, on 3 October 2006, the Fourth Committee heard the following statements: Youcef Yousfi (Algeria); Samuel Outlule (Botswana); Crispin S. Gregoire (Dominica), speaking on behalf of the Caribbean Community (CARICOM); Simione Rokolaqa (Fiji); Régis Onanga Ndiaye (Gabon); Kaire Mbuende (Namibia); Asim Iftikhar Ahmad (Pakistan); Paul Badji (Senegal); Dumisani S. Kumalo (South Africa); Norah L. Katarwa (Uganda).

23. At its 4th meeting, on 4 October 2006, the Committee heard the following petitioners: Charles Wilson, U.S.-Western Sahara Foundation; Aymeric Chauprade, University of Paris; Nancy Huff, Teach the Children International; Erik Hagen, Norwegian Support Committee for Western Sahara.

24. At its 5th meeting, on 5 October 2006, the Committee heard the following petitioners: Janet Lenz, Christ the Rock Community Church; Prudencio Javier Morillas Gómez, University of San Pablo; Jan Strömdahl, Swedish Western Sahara Committee; Lord Newall, International Committee for the Tindouf Prisoners; Latifa Aït-Baala, Action internationale femmes; Isaac Castellano Sanginés, Member, Canary Islands Parliament; Sandra Cioffi, Popolari Udeur Group Italian Parliament; Tanya Warburg, Freedom for All; Francisco José Alonso Rodríguez, Liga Española Pro-Derechos Humanos; Toxmin Aurrekoetxea, Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui a nivel del Estado Español; María Inés Miranda Navarro, Consejo General de la Abogacía Española; Sydney S. Assor, Surrey Three Faiths Forum; Jane Bahaijoub, Family Protection; Samuele Piccolo, Rome City Councilman; Nicola Quatrano, Osservatorio Internazionale; Mohamed El Mojahdi, Association sahraouie des droits de l'homme; Denis Ducarme, Member, Belgian Parliament; Anna Maria Stame Cervone, Christian Democrat and People's Parties International; Claude Moniquet, European Strategic Intelligence and Security Center; Jacinta De Roeck, Belgian Parliamentary Intergroup "Peace for the Sahrawi People".

25. At its 6th meeting, on 6 October 2006, the Committee heard statements from the following petitioners: Baba Ahl Mayara, Association de l'unité et de la réconciliation; Brahim Ballali, Association of Sahraoui Parents and Victims of Repression; Inés Jávega Soley, Asociación Saharaui para la Defensa de Derechos Humanos; Fabián Martín Martín, Partido independiente de Lanzarote; Gajmoula Ebbi, Royal Advisory Council for Saharan Affairs and Committee for Sahraoui Families Reunion; Mustapha Bouh, former member of the Political Bureau of the Frente Polisario; Ahmed Boukhari, Frente Polisario.

26. At its 9th meeting, on 13 October 2006, the Committee adopted draft resolution A/C.4/61/L.5 by 76 votes to none, with 72 abstentions. Under the draft resolution, the General Assembly underlined Security Council resolution 1495 (2003), in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties. Further, it called upon all parties to cooperate with International Committee of the Red Cross in its efforts to solve the problem of the fate of the people unaccounted for, and called upon the parties to abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict. After the vote, the following delegations expressed regret that a consensus had not been reached: Brazil, Philippines, Guatemala, Myanmar, Russian Federation, Japan, Portugal, Sweden, Italy, Czech Republic, Greece, Malaysia, Belgium, Ireland, Egypt, Ukraine, Croatia, Slovakia, Thailand, New Zealand, Denmark, Cameroon, Canada, Norway, Poland, Indonesia, Slovenia, Netherlands, Paraguay, Spain, Hungary.

27. On 14 December 2006, the General Assembly adopted draft resolution I, entitled "Question of Western Sahara", recommended by the Fourth Committee (A/61/415, para. 29), by 70 votes to none, with 91 abstentions, as resolution 61/125. Under the resolution, the Assembly, inter alia, recalled Security Council resolution 1495 (2003), in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties, and resolutions 1541 (2004), 1570 (2004), 1598 (2005), 1634 (2005) and 1675 (2006). The Assembly expressed strong support for the efforts of the Secretary-General and his Personal Envoy to achieve a mutually acceptable political solution to the dispute over Western Sahara and called upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy. The Assembly further 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 sixty-second session. The Assembly also invited the Secretary-General to submit a report at its sixty-second session on the implementation of the resolution.
