



Security Council

Distr.: General
20 October 2004

Original: English

Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1541 (2004) of 29 April 2004, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2004 and requested me to provide a report on the situation before that date, including an evaluation of the mission size necessary for MINURSO to carry out its mandated tasks, with a view to its possible reduction. The present report covers developments since my last report, dated 23 April 2004 (S/2004/325).

II. Activities of my Personal Envoy and my Special Representative

2. In a letter dated 11 June 2004 (S/2004/492), I informed the President of the Security Council that I had accepted, with deep regret, the resignation of James A. Baker III as my Personal Envoy for Western Sahara. After seven years as my Personal Envoy, Mr. Baker concluded that he had done all he could on this issue. Throughout his tenure as my Personal Envoy, Mr. Baker used the best of his unparalleled diplomatic skills in seeking a resolution of the conflict. I am deeply grateful to him, and I regret that the parties did not take better advantage of his assistance.

3. Following my Personal Envoy's resignation, I requested my Special Representative for Western Sahara, Alvaro de Soto, to continue to work with the parties and the neighbouring States towards a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara. My Special Representative resumed his responsibilities at Laayoune in July 2004, after completing his assignment as my Special Adviser on Cyprus.

4. In September 2004, my Special Representative conducted a round of consultations to ascertain the current positions of the parties and the neighbouring States. On 6 September, His Majesty King Mohammed VI of Morocco received my Special Representative at Meknes, Morocco. This was followed by a meeting with Frente Polisario leaders at the residency of Chahid Tamek in the Tindouf area,

Algeria, on 12 September; a meeting with the Minister for Foreign Affairs of Algeria at Algiers on 15 September; and a meeting with the President of Mauritania at Nouakchott on 20 September.

5. My Special Representative's consultations were conducted against the background of resolution 1541 (2004), in which the Security Council, having reaffirmed its support for the Peace Plan for Self-Determination of the People of Western Sahara as an optimum solution on the basis of agreement between the parties, reaffirmed also its strong support for my efforts and those of my Personal Envoy to achieve a mutually acceptable political solution to the dispute over Western Sahara, and called upon the parties and the States of the region to cooperate fully with me and my Personal Envoy.

6. In the course of his consultations in the region, my Special Representative ascertained that there has been no change in the position of Morocco with respect to the Peace Plan for Self-Determination of the People of Western Sahara. As described in my report of 23 April 2004 (S/2004/325), and in the Moroccan letter annexed to it, Morocco continues to reject essential elements of the Plan, but has indicated its readiness to negotiate a mutually acceptable autonomy status that would allow the people of the Territory to administer their own affairs, while respecting the sovereignty and territorial integrity of the Kingdom.

7. The Frente Polisario maintains its support for the Peace Plan as expressed in its letter of 9 July 2003, in which, inter alia, it reiterated the concerns and comments on the Plan that were attached to its letter of 8 March 2003 (see S/2003/565 and Corr.1, annex III). Algeria's position remains similarly unchanged. Both the Frente Polisario and Algeria are opposed to the discussion of any aspect of the Peace Plan unless Morocco agrees to support it. Mauritania maintains its willingness to support any solution that would be mutually agreeable to the parties.

8. The Government of Morocco has reiterated its position in a letter dated 24 September from the Permanent Representative of Morocco to the United Nations (S/2004/760). The Frente Polisario has also set forth its position in a letter addressed to me by the Secretary-General of Polisario dated 5 October, which has been made available to the Council members.

III. Activities on the ground

A. Activities of the military component

9. As at 5 October 2004, the military component of MINURSO stood at 227 military observers, administrative clerks and medical personnel against the authorized strength of 230. Under the command of Major General György Száraz (Hungary), MINURSO continued to monitor the ceasefire in Western Sahara, which has been in effect since 6 September 1991. The Mission's area of responsibility has remained calm, and there have been no indications on the ground that either side intends to resume hostilities in the near future.

10. During the reporting period, MINURSO performed 2,679 ground patrols and 219 air patrols to visit and inspect units larger than company size of the Royal Moroccan Army and the military forces of the Frente Polisario, in accordance with the ceasefire agreements between MINURSO, on one hand, and the Royal Moroccan

Army and the Frente Polisario, on the other. Both the Royal Moroccan Army and Frente Polisario military forces conducted routine maintenance and training activities.

11. The Frente Polisario continued to impose some limitations on the Mission's freedom of movement in areas of the Territory east of the berm. Although the nature of the limitations does not significantly affect the Mission's ability to monitor the situation in those areas, their removal would further facilitate the Mission's ground and air patrolling activities.

12. MINURSO continues to cooperate with the parties on the marking and disposal of mines and unexploded ordnance. During the reporting period, MINURSO discovered and marked 207 pieces of unexploded ordnance, while a total of 16 disposal operations by both parties were monitored.

13. A delegation from the Geneva International Centre for Humanitarian Demining took part in a planning meeting with MINURSO at Laayoune, from 2 to 5 August 2004, on the Information Management System for Mine Action. A memorandum of understanding was signed between the International Centre and MINURSO in regard to the training of MINURSO personnel in the use of the new technology.

B. Prisoners of war, other detainees and persons unaccounted for

14. Pursuant to the intercession of a Member State, the Frente Polisario announced on 21 June 2004 the release of a further 100 Moroccan prisoners of war, who were subsequently repatriated to Morocco under the auspices of the International Committee of the Red Cross (ICRC). While I welcome this step, it must be recalled that 412 such prisoners are still in detention, some of them for more than 20 years. I therefore reiterate my call to the Frente Polisario to expedite the release of all remaining prisoners, in compliance with international humanitarian law and numerous Security Council resolutions and presidential statements. I also call on both Morocco and the Frente Polisario to continue to cooperate with ICRC in accounting for those who are still missing in relation to the conflict.

C. Illegal migration

15. On 3 May 2004, the Frente Polisario informed MINURSO of a group of 23 individuals, from Bangladesh and India, who had been provided shelter by its military forces near the MINURSO team site at Mijek. On 2 September, the Frente Polisario further informed MINURSO that 20 individuals from Pakistan had been found near the MINURSO Tifariti team site. In both instances, the individuals claimed that they had been abandoned in the desert by their guides, who had promised them passage to Europe.

16. Both groups are currently being sheltered by Polisario. Repatriation arrangements through a neighbouring country are now being made by the International Organization for Migration. Efforts are also being made to seek a coordinated approach among the parties, neighbouring countries, and others concerned regarding what appears to be an increasingly growing phenomenon of illegal migrants, transiting Western Sahara en route to Europe.

D. Western Saharan refugees

17. In September 2004, the World Food Programme and the Office of the United Nations High Commissioner for Refugees (UNHCR), with the participation of UNICEF, undertook a joint assessment mission to the Tindouf area refugee camps. Representatives of nine Member States, both current and potential donors, as well as the observer of the African Union, took part in the visit, during which they met with my Special Representative. While the food supply for Western Saharan refugees has improved somewhat in recent months, refugees may start facing a shortage of cereals and other essential commodities by November 2004 unless additional supplies are made available.

E. Confidence-building measures

18. It will be recalled that UNHCR and my Special Representative have been promoting with the parties the implementation of confidence-building measures, which aim to facilitate person-to-person contacts between the refugees in the Tindouf area camps and their relatives in the Territory.

Exchange of family visits

19. I am pleased to report that the first phase of the exchange of family visits programme between Western Saharan refugees living in the Tindouf area refugee camps in Algeria and their relatives in the Territory was successfully concluded on 31 August 2004. During the six-month period covering the first phase, there were 50 five-day exchanges of visits, involving 1,208 persons (402 families) from all refugee camps in the Tindouf area in Algeria (619 persons) and from the cities of Laayoune, Dakhla, Smara and Boujdour in the Territory (589 persons). To date, the number of applicants to the exchange programme has reached 19,009 persons, including 11,884 from the Tindouf area refugee camps and 7,125 from the Territory.

20. The first phase of the exchange of family visits programme was implemented with the full cooperation of the parties, as well as Algeria as country of asylum. In the light of this positive outcome, UNHCR expressed its readiness to carry on with the programme and has received the support of the parties concerned, who have expressed their desire to continue with the project.

21. Late in June and early in July 2004, midterm evaluation sessions were organized by UNHCR and MINURSO at Tindouf with the Frente Polisario and at Rabat with the Moroccan authorities, to review progress in regard to the confidence-building measures and further coordinate the modalities of their implementation. This midterm evaluation confirmed the success of the programme and reaffirmed its humanitarian character.

22. Following that, and in accordance with the initial plan of action relating to the confidence-building measures, UNHCR, in consultation with my Special Representative, submitted to the parties concerned a draft plan of action for the second phase of the project for review and discussion. On 2 October 2004, my Special Representative and UNHCR senior officials met at Geneva with a Moroccan delegation to evaluate the completed first phase of confidence-building measures, and to discuss future steps. On 6 October, another evaluation session was held at

Geneva with representatives of the Frente Polisario. An evaluation with representatives of Algeria, as country of asylum, is expected to take place shortly.

23. The recent series of consultations with the parties allowed for a constructive review of the various activities of the confidence-building measures implemented under the first phase, and for a fruitful exchange on future steps towards their continuation. The parties expressed their commitment to the continuation of the confidence-building measures and pledged their support to their implementation. They also indicated that their formal response to the draft plan of action for the second phase would be submitted to UNHCR shortly.

24. In the meantime, my Special Representative and UNHCR proposed — and the parties agreed — to carry on with the family visits and the telephone service until the end of 2004 under the existing arrangements in order to give sufficient time to all concerned to further review the draft plan of action for the second phase. UNHCR and MINURSO are currently working towards the quick resumption of the family visits, including reviewing the modalities of their cooperation as well as the memorandum of understanding on respective contributions to the confidence-building measures, which was concluded between them during the reporting period.

25. It will be recalled that MINURSO support to the exchange of family visits included the deployment of five civilian police officers, who escorted the participants in the exchange of family visits programme on the United Nations flights to and from the Territory and the Tindouf area camps, and monitored and facilitated airport procedures at the arrival and departure points. It is envisaged that three additional civilian police officers will be required to assist with the exchange of family visits when they start again. To conduct the exchange programme, MINURSO also provided UNHCR with full logistic support, including both air and ground means of transport, as well as office and communications equipment.

26. I would like to draw attention to the fact that, to this date, UNHCR has not received any financial contributions towards the implementation of the confidence-building measures. I urge donors to contribute generously to this important humanitarian exercise.

Telephone service

27. The telephone service linking the 27 February School in the Tindouf area with the Territory, which was re-established on 12 January 2004, was extended during the reporting period to the Tindouf area camps of Laayoune and Awsard. As at 30 September 2004, more than 9,200 refugees had benefited from this service. With the assistance of MINURSO, work is currently under way to extend the telephone service to the remaining two camps, Dakhla and Smara, where the service is expected to be operational before the end of 2004.

Mail service

28. During the evaluation session, the Moroccan delegation reiterated its concerns regarding the legal and administrative implications of the proposal, under which UNHCR would establish what is perceived to be a parallel channel for collecting and distributing the mail in the Territory. The Moroccan delegation stated, however, that Morocco would continue to reflect on the issue in order to reach suitable arrangements for the implementation of the service. It will be recalled that the

Frente Polisario, as well as Algeria, as country of asylum, have already agreed to the implementation of the mail service under the modalities proposed by UNHCR. In the meantime, UNHCR remains ready to implement this service in accordance with the modalities it has initially proposed or under any other terms that would ensure the approval of all concerned.

Organization of seminars

29. The organization of seminars involving prominent members of the Saharan communities from both sides is an important element of the confidence-building measures and was foreseen under the initial proposal submitted by UNHCR in 2003. This element has been reiterated in the draft plan of action for the second phase. The objective of the seminars is to offer opportunities for dialogue and interaction on topics of a non-political nature between persons from civil society of the Saharan communities living in the Tindouf area refugee camps in Algeria and in the Territory. I am pleased to report that the parties concerned have expressed their agreement in principle to this activity, with a view to implementing it as from 2005.

F. African Union

30. During the reporting period, the observer delegation of the African Union to MINURSO, led by its senior representative, Ambassador Yilma Tadesse (Ethiopia), continued to provide valuable support and cooperation to the Mission. I wish to reiterate my sincere appreciation for the African Union's contribution.

G. Logistic aspects

31. MINURSO has continued the phased implementation of its two-year plan to refurbish worn-out living and working quarters at all MINURSO desert team site camps across the Territory. Some new patrol vehicles have been received and have been fitted with VHF/HF and GPS systems.

IV. Review of the Mission's strength

32. In accordance with Security Council resolution 1541 (2004), the Department of Peacekeeping Operations conducted in September a review of the military strength necessary for MINURSO to carry out its mandated tasks.

33. It will be recalled that the Security Council authorized the establishment of MINURSO in 1991 to enable the United Nations to implement the role envisaged for it under the Settlement Plan, contained in the report of the Secretary-General of 18 June 1990 (S/21360) and his report of 19 April 1991 (S/22464 and Corr.1). In regard to its military tasks, the Mission was mandated to monitor the ceasefire, the confinement of troops on both sides to agreed locations, the custody of certain arms and ammunition, and the withdrawal of all Royal Moroccan Army forces or the demobilization of Frente Polisario military forces, depending on the results of the expected referendum. The Mission also had the tasks of verifying the agreed reduction of troops and providing security for the return of the Saharan refugees. In order to perform those tasks, an overall troop strength of 1,651 was authorized,

comprising 550 military observers, one infantry battalion (700 personnel) and specialized units.

34. Since it has not proved possible to implement the Settlement Plan, the Mission's military activities have been limited to monitoring the ceasefire. Consequently, only 288 military observers were deployed in 1991. After a review of the Mission's military requirements in 1996, as described in my predecessor's report of 8 May 1996 (S/1996/343), the MINURSO military component was reduced to a total strength of 230, where it now stands.

35. The Mission's ceasefire monitoring activities are focused on verifying the non-entry of the parties' military personnel into the five-km wide buffer strip that runs along the eastern side of the 1,800-km berm. To this end, daily patrols are carried out from nine team sites established by MINURSO on both sides of the berm to confirm the status of the parties' forces throughout the Territory, verify violations, demonstrate United Nations presence, and monitor military exercises conducted by the parties and the destruction of mines and unexploded ordnance. The military observers carry out, on average, 570 ground and 40 helicopter reconnaissance patrols each month. Each team site conducts two to three ground patrols per day. These activities are carried out over an extremely harsh desert terrain of some 266,000 km². The teams are supported by a force headquarters at Laayoune and two sector headquarters, at Smara in the north and Dakhla in the south. In addition, a medical unit composed of 20 personnel provides essential medical services to the military observers, including by visiting the team sites on a regular basis.

36. MINURSO daily monitoring, verification, and liaison with the parties has helped to instil confidence, dispel misunderstandings and reduce tensions. The Mission's area of responsibility has remained generally calm and there has been no indication that either side intends to resume hostilities in the foreseeable future.

37. Having closely reviewed the situation on the ground, the assessment team of the Department of Peacekeeping Operations identified two options with regard to the strength of the MINURSO military component. The first option would be to maintain the status quo, that is, 203 military observers working out of nine team sites on both sides of the buffer strip, with two sector headquarters at Smara and Dakhla, the force headquarters at Laayoune, and at the MINURSO Liaison Office at Tindouf, Algeria, supported by the medical unit.

38. The second option would involve several steps, including closing the Dakhla and Smara sector headquarters, which are currently manned by 11 military observers each, and transferring their responsibilities to the force headquarters at Laayoune. While this would reduce the overall military staff requirement, the force headquarters at Laayoune — given the additional responsibilities it would have to perform — would be augmented by six additional military officers with experience in personnel, logistics, operations and planning.

39. The second option would also foresee the closure of one team site at Mehaires, its responsibilities to be transferred to the team site at Tifariti. The latter team site would then be reinforced by five military observers and aerial reconnaissance would be increased in the area to enable it to carry out its responsibilities over an expanded area of operations. In regard to the strength of each team site, option 2 would include an adjustment in the number of military observers manning the sites, depending on the site's area of responsibility. A small reduction in the number of

observers deployed to the MINURSO Liaison Office at Tindouf could also be envisaged.

40. The implementation of option 2 would result in an overall reduction of 37 observers, representing 16 per cent of the current strength, bringing the total military strength of the Mission to 193. While the number of ground patrols and liaison visits would correspondingly decrease, it is assessed that this option would allow MINURSO to continue to monitor the ceasefire, report violations, and maintain daily liaison with the parties, albeit at a reduced level. This option would have no major implications for MINURSO logistics or civilian support requirements.

V. Financial aspects

41. By its resolution 58/309 of 18 June 2004, the General Assembly appropriated the amount of \$44,041,200 (gross), equivalent to \$3,670,100 per month, for MINURSO for the period from 1 July 2004 to 30 June 2005. The assessment of these amounts is subject to the decision of the Security Council to extend the mandate of the Mission. Should the Council decide to extend the mandate of MINURSO beyond 31 October 2004, the cost of maintaining the Mission until 30 June 2005 would be limited to the monthly amounts approved by the General Assembly. As at 31 August 2004, unpaid assessed contributions to the Special Account for MINURSO amounted to \$51.5 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to \$2,347 million.

VI. Observations and recommendations

42. When I last reported in April 2004, there was no agreement between the parties on the Peace Plan for Self-Determination of the People of Western Sahara. Such an agreement appears more distant today. Moreover, there is currently no agreement as to what can be done to overcome the existing deadlock. The goal of enabling the people of Western Sahara to exercise their right to self-determination thus remains elusive. I will continue to look for opportunities to advance that goal. Meanwhile, I should like to register my deep concern about the recent escalation in public rhetoric emanating from the parties and the region, and urge them to exercise the utmost restraint.

43. On a positive note, the agreement of the parties for the renewal of the family visits is a welcome sign. I would like to urge the parties to continue cooperating with my Special Representative, UNHCR and MINURSO for the smooth implementation of the confidence-building measures as well as for their expansion to new activities. However, the continuation of such measures requires swift and generous contributions from donor countries. I wish to join UNHCR in appealing again to donor countries for additional funding necessary for the continuation of the confidence-building measures programme which, as was stated in previous reports, requires a great deal of logistical, monitoring and administrative resources.

44. In the meantime, I once again appeal to the Frente Polisario to release all Moroccan prisoners of war that it continues to hold, and to both Morocco and the

Frente Polisario to continue to cooperate with ICRC in accounting for those who are still missing in relation to the conflict.

45. The appearance in the heavily mined buffer strip of clandestine migrants, groups of whom occasionally remain stranded there without proper means of sustenance for a long period of time, is a matter of growing concern. This is obviously part of a much broader phenomenon of trafficking in human beings through the region. I bring this issue to the attention of the Security Council, however, because of the fact that it occurs in the area of operations of MINURSO, which has neither the mandate nor the resources to deal with it. The Secretariat is reviewing this development with UNHCR and the International Organization for Migration, and I call on all parties and Member States to cooperate in taking the steps necessary to address this issue, on humanitarian grounds.

46. The effective monitoring of the ceasefire between the parties by MINURSO over the last 13 years has been a major stabilizing and confidence-building achievement. Both parties have acknowledged the invaluable role the Mission has played in this respect. The MINURSO Force Commander has consulted both Moroccan and Polisario military authorities on the possible reduction of the overall strength of the MINURSO military component. Both have expressed their strong preference that there should be no reduction in the size of the Mission, especially at this time.

47. As stated above, I am convinced that the Mission's military component as currently structured and staffed provides an essential element of confidence-building and conflict management in Western Sahara and that no reduction should come at the expense of the capacity and credibility of the United Nations operational and political role. Should the Security Council nonetheless decide to reduce the Mission's strength, it is my strong view that any reduction beyond the configuration outlined under option 2 in paragraphs 38 to 40 above would adversely affect the role of the United Nations.

48. In the meantime, and for the reasons I have outlined above, I recommend that the Security Council consider extending the mandate of MINURSO for a further period of six months, until 30 April 2005. I sincerely hope that both the parties and the neighbouring States will use this time to cooperate in good faith with my Special Representative to end the current impasse and to achieve progress towards a just, lasting and mutually acceptable political solution.

49. In conclusion, I would like to express my sincere appreciation to the men and women of MINURSO, who continue to work tirelessly with the hope that their efforts may finally contribute to a political solution to the long-standing question of Western Sahara.

Annex

**United Nations Mission for the Referendum in Western Sahara:
contributions as at 10 October 2004**

<i>Country</i>	<i>Military observers*</i>	<i>Troops*</i>	<i>Civilian police**</i>	<i>Total</i>
Argentina	1			1
Austria	2			2
Bangladesh	8			8
China	19			19
Croatia	2			2
Egypt	19		2	21
El Salvador	5			5
France	25			25
Ghana	10	7		17
Greece	1			1
Guinea	5			5
Honduras	12			12
Hungary	7			7
Ireland	4			4
Italy	5			5
Kenya	10			10
Malaysia	14			14
Mongolia	3			3
Nigeria	8			8
Pakistan	7			7
Poland	1			1
Republic of Korea		20		20
Russian Federation	25			25
Sri Lanka	2			2
Uruguay	8			8
Total	203	27	2	232

* Authorized strength is 230.

** Authorized strength is 81.

