

Attached is an advance copy of the **Report of the Secretary-General on the situation concerning Western Sahara** for the information of the members of the Security Council.

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8 April 2013

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I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2044 (2012) of 24 April 2012, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2013 and requested a report on the situation in Western Sahara before the end of the mandate period. It covers developments since my report dated 5 April 2012 (S/2012/197) and describes the situation on the ground, the status and progress of the negotiations and the existing challenges to the Mission's operations, as requested by the Council in its resolution 2044 (2012).

II. Recent developments concerning Western Sahara

2. Within the Territory, largely peaceful demonstrations by Western Saharan protesters occurred throughout the reporting period in Laayoune and other major towns. These demonstrations were usually unannounced, small in scale and quickly dispersed by Moroccan security forces. At times, the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente Polisario) alleged that disproportionate force was used.

3. In some instances, protesters drew attention to aspects of the exploitation of natural resources of the region that they considered contrary to international law. In other instances they raised concerns regarding the provision of social services. In Dakhla and Laayoune, fishermen, as well as present and former employees of the Boucraa phosphate mines, demanded improvements in labour conditions. In October 2012, 11 Western Saharans, including four women, entered the MINURSO team site in Smara, west of the berm, demanding increased social assistance. Several hours later, the group was persuaded to leave the compound after authorities promised to look into its demands. Five members of the same group re-entered the team site during the visit of my Personal Envoy in March 2013, asking to meet him. Again, they were persuaded to leave.

4. Other protests expressed support for self-determination or solidarity with Western Saharans detained since after the Gdim Izik events of November 2010 and the Dakhla incidents of September 2011. During one sit-in, protesters tried to force their way into the Laayoune regional office of the Conseil National des Droits de l'Homme (Moroccan National Human Rights Council, CNDH). They were dispersed by Moroccan security forces. The February 2013 trial and verdict of the suspects of the Gdim Izik disturbances saw increased police deployments in Laayoune, Dakhla and Smara, as well as street tensions, including pro-Frente Polisario graffiti in some neighbourhoods.

5. Demonstrations of a somewhat larger scale, involving between 50 and 100 participants, occurred in Laayoune on the occasion of the visits to Western Sahara of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Special Rapporteur on Torture), Juan Méndez, in September, the Under-Secretary-General for peacekeeping, Hervé Ladsous, in October and my Personal Envoy, Christopher Ross, to Western Sahara in November and March. In November, there were also some disturbances on the anniversary of the dismantling of the Gdim Izik camp in

2010. Local human rights organisations regularly reported excessive use of force against the demonstrators by Moroccan security forces. The demonstrations cited above are those of which MINURSO received direct or indirect knowledge. Others were reported, mainly in the pro-Frente Polisario media, but they could not be verified.

6. On several occasions, demonstrations reacting to developments in the Territory or commemorating specific events such as the dismantling of the Gdim Izik camp were organised in the refugee camps south of Tindouf.

7. The Under-Secretary-General for peacekeeping visited Western Sahara and the Western Saharan refugee camps near Tindouf in October 2012. Accompanied by my Special Representative, Wolfgang Weisbrod-Weber, he held consultations with Moroccan and Frente Polisario authorities on MINURSO operations, confidence-building measures and regional security challenges.

8. My Personal Envoy visited MINURSO and the region in late October 2012. After meetings in Rabat, he travelled to Laayoune and met with a wide range of interlocutors, including administrative authorities, human rights and civil society organizations in the company of my Special Representative. The Mission also supported other aspects of his visit, which took him to MINURSO teams sites in Mahbas and Tifariti, as well as to the Western Saharan refugee camps near Tindouf, where he met with the Frente Polisario Secretary-General, Mohammed Abdelaziz, and Frente Polisario authorities.

9. In October 2012, my Special Representative visited Algiers and held consultations with Algerian authorities and diplomatic representatives of the Group of Friends on Western Sahara. In March 2013, he met with Mauritanian authorities to discuss issues of mutual concern.

10. The issue of human rights was the focus of visits by several human rights organisations during the period. In August 2012, a delegation from the Robert F. Kennedy Centre for Justice and Human Rights visited Western Sahara and the camps near Tindouf. Its members met with MINURSO, Moroccan and Western Saharan human rights organizations, civil society representatives and Moroccan and Frente Polisario authorities. In September 2012, members of the US Leadership Council for Human Rights also visited the Territory and met with local interlocutors and my Special Representative.

11. Also in September 2012, the Special Rapporteur on Torture visited the Territory west of the berm at the invitation of the Government of Morocco. He held meetings with Moroccan authorities, the judiciary, civil society, the regional office of the CNDH, United Nations agencies and victims of torture and their families. In Laayoune, the Special Rapporteur met with my Special Representative to discuss his work and the mandate of MINURSO.

12. In late September 2012, a delegation from the African Commission on Human and Peoples' Rights visited the Western Saharan refugee camps near Tindouf, where it met with MINURSO and the UN agencies working in Tindouf. Its members were unable to visit Western Sahara itself.

13. On occasion, the Moroccan authorities denied access to the Territory to international visitors, most recently a delegation of European Members of Parliament travelling in their private capacity in March 2013.

14. On 17 February 2013, the Permanent Military Tribunal of the Royal Armed Forces in Rabat pronounced its verdict against 25 Western Saharan civilians, including nine life sentences. The men were charged in relation to violence during and after the dismantling of the Gdim Izik protest camp near Laayoune in November 2010, which resulted in the death of 11 members of the Moroccan security forces and the mutilation of corpses. Two Western Saharans, including a minor, were also killed during the events. Local sources stated that many of the accused are known for their political or human rights activism or for having participated in negotiations with Moroccan authorities in the run-up to the dismantling of the Gdim Izik camp.

15. In December 2012, as part of the regionalization process launched by King Mohammed VI, the President of the Moroccan Economic, Social and Environmental Council (ESEC) published a preliminary and critical assessment of the current development model of the Territory, including governance and issues of transparency and accountability, as well as human rights. A final report is expected by October 2013.

16. Nearly one year after the European Parliament rejected the extension of the 2007 European Union-Morocco fisheries partnership agreement, negotiations resumed in the last quarter of 2012 amid vocal opposition from the Frente Polisario and other organizations. As negotiations continued for its renewal, Frente Polisario leader Mohammed Abdelaziz wrote to me condemning Morocco's continuing exploitation of the resources of the Territory.

III. Activities of my Personal Envoy

17. The period from March 2012 to March 2013 was marked by a four-month pause in the mediation process and by serious unrest in the Sahel region and beyond. The hiatus in the negotiating process, due to Morocco's withdrawal of confidence in my Personal Envoy in May 2012, came to an end on 25 August during a telephone conversation that I had with the King of Morocco in which I clarified the mandates of my Personal Envoy and of MINURSO. Following several bilateral contacts with the parties and neighbouring States in New York, my Personal Envoy resumed his mediation activities with a trip to the region in October-November 2012, during which he visited Western Sahara for the first time. He also visited the capitals of the Group of Friends on Western Sahara (i.e. Madrid, Moscow, London, Paris, and Washington), as well as Germany and Switzerland, from 28 January to 15 February 2013 to gather international support for a new approach to move the negotiating process beyond the current stalemate.

A. Consultations in the region and first visit to Western Sahara

18. From 27 October to 15 November 2012, my Personal Envoy undertook long delayed regional consultations, followed by visits to Madrid and Paris for bilateral discussions with the newly elected Governments. At each stop, senior interlocutors reiterated their full support for the United Nations' mediation efforts and for my Personal Envoy, as well as their readiness to cooperate with him. In contrast to previous trips, my Personal Envoy sought to widen his contacts beyond official interlocutors to include civil society leaders, including

youth, student, and women's groups, academics, as well as parliamentarians and political party leaders.

19. In Rabat, my Personal Envoy was received by King Mohammed VI, and met with members of the Government, parliamentarians, and political party leaders. All expressed strong frustration that five years of direct negotiations had not led to implementation of Morocco's autonomy proposal. They also expressed their strong hope that my Personal Envoy's efforts to promote further development of bilateral relations with Algeria would succeed, thus helping to improve the atmosphere of the negotiating process.

20. My Personal Envoy sought to clarify his mandate as I had set forth and the guidance that the Security Council had provided, highlighting his neutrality regarding the two proposals and his commitment to an unbiased process. He further explained that the international community remains divided on the Western Sahara question and that the current negotiating framework, governed by Chapter VI of the United Nations Charter, does not permit the United Nations to impose a solution on either party.

21. From 31 October to 3 November, my Personal Envoy visited Western Sahara for the first time since his appointment in 2009. Accompanied by my Special Representative, he met with local officials, Western Saharans reflecting both pro-autonomy and pro-independence views, Moroccan and Western Saharan human rights activists, and MINURSO headquarters staff and observers. His visit confirmed that Western Saharan society, while having a strong tribal and cultural identity, is politically divided. Also after meeting a wide range of civil society representatives, it was not possible to estimate either the extent or the depth of pro-autonomy or pro-independence sentiments among the populace. The Personal Envoy further sensed a growing appetite to broaden direct contacts between the various components of Western Saharan society, particularly among women and youth, including by expanding the existing programme of UNHCR-sponsored seminars. MINURSO's support, including through reporting, to my Personal Envoy has become even more relevant in light of his visits to Western Sahara and his increased interactions with the population.

22. In the Western Saharan refugee camps near Tindouf, Frente Polisario Secretary-General Abdelaziz expressed strong frustration over the United Nations' inability to organize a referendum on self-determination. With regard to the situation in Mali, he emphasized that the Frente Polisario is firmly opposed to the activities of terrorist and criminal groups and has implemented measures to prevent recruitment in the camps. In meetings with youth, student, and women's groups, my Personal Envoy found that the second and third generations are frustrated not only by the lack of progress in the negotiations, but also by the absence of employment opportunities. Many expressed support for radical courses of action such as resuming hostilities against Morocco or asking MINURSO to recognize its impotence and depart. Others warned that these frustrations made young people tempting recruitment targets for criminal and terrorist networks. In all his meetings, my Personal Envoy urged restraint and patience, pointing out that such actions would cause great harm. As in the Territory itself, he found great interest in increased contacts between the separated parts of the Western Saharan population.

23. In Algiers, President Bouteflika reiterated that Algeria is not a party to the Western Sahara conflict. He stated that, in Algeria's view, any solution that does not provide for a multi-option referendum is not a solution. That said, he

agreed to allow his Government to work informally with my Personal Envoy to help advance the negotiations. In meetings with parliamentarians representing a broad spectrum of political parties, my Personal Envoy encountered full agreement with the views that the President had expressed.

24. In Nouakchott, the Prime Minister and Foreign Minister reiterated Mauritania's "positive neutrality" in the Western Sahara conflict, adding that it remains ready to assist the UN's mediation efforts in any appropriate way. While in Nouakchott, my Personal Envoy also received several Western Saharan dissidents critical of the current Frente Polisario leadership.

25. A common thread at all stops was concern over the security and stability of the Sahel region and beyond and growing fears about the fragile situation of youth in the refugee camps near Tindouf and in the Territory. However, these concerns did not prompt a new readiness to work seriously to solve the Western Sahara conflict. The parties continued to maintain what my Personal Envoy has previously characterized as "an unyielding adherence to mutually exclusive positions," and no progress on the core issue of the final status of the Western Sahara territory was registered. The tense regional context has rendered positions more rigid and raised mutual suspicions between neighbours. My Personal Envoy, with the support of the international community, has repeatedly urged the parties to recognize that the passage of time can only worsen the situation.

26. In addition to discussions on the Western Sahara negotiating process, and as part of the mandate that I had given to him, my Personal Envoy discussed bilateral relations between Morocco and Algeria thoroughly while in those two countries. Both King Mohammed VI and President Bouteflika expressed a willingness to isolate the improvement of relations from their two countries' differences on the Western Sahara issue and to continue improving their relations by building on the series of bilateral ministerial visits that had already taken place. At the suggestion of my Personal Envoy, they engaged in an exchange of oral messages through him on this subject and identified areas in which bilateral cooperation should be enhanced. These include the need for increased cooperation on security threats, illegal immigration, and drug trafficking as well as the desirability of moderating official media statements.

27. By the end of the trip, my Personal Envoy had obtained confirmation of the willingness of both the parties and the neighbouring States to continue to remain engaged in the UN-led negotiating process, including through shuttle diplomacy in the region. It was agreed with the parties and neighbouring States that convening yet another round of informal talks in the immediate future would not advance the negotiating process, since the parties remain strongly attached to their respective proposals and have yet to discuss possible compromises.

28. After his regional consultations, my Personal Envoy visited Madrid and Paris for bilateral discussions. In both capitals, he stressed the urgency of solving the Western Sahara conflict in light of the worrisome regional developments. He conveyed the same message to the Security Council during his briefing on 28 November 2012.

B. Consultations in capitals of the Group of Friends, Germany and Switzerland

29. As announced to the Security Council during his briefing on 28 November 2012, my Personal Envoy undertook a trip to the capitals of the Group of Friends on Western Sahara from 28 January to 15 February 2013. He also took this opportunity to visit Berlin and Berne for bilateral consultations and met with the High Commissioner for Human Rights and senior UNHCR staff in Geneva. This trip aimed primarily at building additional international support for the Western Sahara negotiating process in preparation for the next phase of engagement with the parties and neighbouring States.

30. Expanding on the ideas presented in paragraph 120 of my report of 2011 (S/2011/249), my Personal Envoy engaged his interlocutors in a discussion on options for yet another approach to move the negotiating process beyond the current stalemate and improve the atmosphere for negotiations.

31. With regard to the negotiating process, he put forward three modest ideas to be put to the parties and neighbouring states during a visit to the region in late March and early April 2013:

- a. First, he will hold bilateral consultations with each party and ask each to recognize that negotiations imply give and take and that the spirit of compromise must prevail. On this basis, he will ask each party to offer concrete ideas to him on the nature and elements of a compromise settlement. This could lead to a period of shuttle diplomacy and eventually enrich the negotiating process.
- b. Second, he will ask each party to begin thinking about how to present its proposal in a new way at such time as a further face-to-face meeting is held, i.e., by explaining the benefits and advantages of that proposal for the other party.
- c. Third, he will ask the parties to accept that they will not reach an agreement on the final status of Western Sahara in the short term and to agree that they can discuss practical aspects of governance of the Territory in a systematic way without prejudice to its final status at such time as a further face-to-face meeting is held.

32. With regard to the atmosphere surrounding the negotiating process, my Personal Envoy presented three additional ideas:

- a. First, he will renew his efforts to encourage Algeria and Morocco to develop their bilateral relations further, building on the ministerial visits accomplished to date, as well as on the priority sectors identified in exchanges of messages between King Mohammed VI and President Bouteflika and during his last visit to the region.
- b. Second, he will encourage the office of the United Nations High Commissioner for Refugees (UNHCR) to expand its program of seminars to accommodate the yearning of more contact between Western Saharans in the Territory and in the refugee camps, particularly among women and youth.
- c. Third, as the members of the Arab Maghreb Union continue their efforts to revitalize the regional organization, he will encourage them to explore the role that it might be able to play in helping to find a solution to the Western Sahara conflict, which remains the major conflict of the region.

33. My Personal Envoy found unanimous support in the capitals of the Group of Friends as well as in Berlin and Berne for both sets of ideas.

34. All Governments consulted raised serious concern over the risk that the fighting in Mali could spill over into the neighbouring countries and contribute to radicalizing the Western Saharan refugee camps. Intense interest in finding a solution to the Western Sahara conflict and avoiding the resumption of hostilities was expressed, with one Government calling the situation in the camps a “ticking time bomb”. When asked if the conflict in Mali could provide a new impetus for the Western Sahara negotiations, my Personal Envoy explained that this had been his hope, but that the parties directly and indirectly concerned with the conflict had as of yet not reacted in this way. He urged each of the Governments consulted to use its contacts to encourage serious negotiations.

C. Second visit to the region

35. As agreed with the parties and neighboring states, my Personal Envoy visited Nouakchott, Rabat, Laayoune, Dakhla, the Western Saharan refugee camps near Tindouf, and Algiers during the latter half of March 2013 and early April with valuable and much appreciated transport support from the Spanish Government. The results of this visit will be briefed orally to the Council.

D. Next steps

36. In the coming months, my Personal Envoy will undertake yet another visit to the region to begin his bilateral consultations with the parties and, if justified by their results, engage in a period of shuttle diplomacy. The timing and the modalities for holding a further face-to-face meeting of the parties and neighbouring States will depend on the result of this process.

IV. Activities on the ground

A. Military activity

37. As at 15 March 2013, the military component of MINURSO stood at 213 personnel, including the Force Commander, military clerks and medical unit officers, against the authorized strength of 231. The Mission currently has six female military observers, from Ghana, Ireland, Mongolia and Croatia. There are also four female medical personnel — two doctors and two nurses — with the medical unit from Bangladesh. I reiterate my wish to see further deployments of female officers by troop-contributing countries, both for operational reasons and to improve the Mission’s gender balance. During the reporting period, the average monthly number of French-, Spanish- and Arabic-speaking military observers in the Mission was 17, 19 and 33, respectively.

38. The military component remains deployed at nine team sites and at liaison offices in Tindouf and Dakhla. From 16 March 2012 to 15 March 2013, MINURSO conducted 9,214 ground and 589 aerial patrols including air reconnaissance, to visit and monitor units of the Royal Moroccan Army and the Frente Polisario Military Forces for adherence to the military agreements. MINURSO maintained good relations and communications with the Royal Moroccan Army and with the Frente Polisario despite the divergence of opinion that remains between the Mission and each party regarding compliance with

Military Agreement No. 1, particularly concerning the status of long-standing violations.

39. MINURSO observed and recorded 42 general violations of Military Agreement No.1 by the Royal Moroccan Army, compared with 25 recorded during the previous reporting period. These violations include and continue to relate to increases in the length of trenches, the construction of new observation posts, tactical reinforcement and construction of one antenna tower for a global system of mobile communication (GSM) in the restricted area. Three freedom of movement violations were confirmed. Long Standing violations increased by seven. These related to the reinforcement of existing observation posts and increases in the length of trenches. During the period, 12 new observation posts were built, bringing the number of solid observation posts considered, since 2009, as a temporary deployment line 15km west of the berm (S/2009/200, para.21) to a total of 326. The number of stone walls remained unchanged while the length of two was increased. Two watch towers were changed and one radar was replaced with a new one. MINURSO continues to insist that the Royal Moroccan Army make necessary corrections to these violations. This was done on several occasions.

40. In official correspondence, the Royal Moroccan Army argued that certain dispositions qualified by MINURSO as violations under Military Agreement No. 1 are purely civilian in nature or justified by existing illegal activities and security challenges in the region. MINURSO has argued that, although the obligation to take pre-emptive actions in light of regional security challenges is understandable, such issues can only be pursued within the framework of the military agreement. In that regard, MINURSO continues to encourage the parties to enhance communication and confidence in order to address common challenges.

41. Four general violations by the Frente Polisario Military Forces were confirmed in comparison to seven during the previous reporting period. They related to the entry of Frente Polisario soldiers and equipment into the buffer strip.

42. MINURSO's general assessment is that the aforementioned violations by both parties do not jeopardise the cease-fire. Rather, over the years, they have resulted in a gradual shift in the military balance between the parties.

43. MINURSO received and reviewed 399 requests from the Royal Moroccan Army regarding the construction or maintenance of buildings and facilities inside the restricted area and the destruction of mines and explosive remnants of war. MINURSO approved 373 requests and rejected 23. The remaining three are being investigated. MINURSO received 11 Frente Polisario requests regarding construction. MINURSO approved nine of them. The remaining two are being investigated.

44. MINURSO received 418 notifications from the Royal Moroccan Army concerning firing and tactical training exercises, the movement of troops, equipment and weapons, VIP and maintenance helicopter flights, and the destruction of mines and explosive hazards in the area of limited restrictions. MINURSO received three notifications from the Frente Polisario concerning firing and tactical training exercises, the movement of troops, equipment and weapons, and visits in the area of limited restrictions. MINURSO monitored all the notified activities.

45. Military observers on the west side of the berm regularly visit 570 units and monitor 29 training areas, 316 observation posts along a second deployment line west of the berm and the several long-standing wall and trench violations in the Bir Gandouz subsector. East of the berm, the military observers regularly visit 93 units, eight training areas and 38 observation posts. The military observers also monitor the security situation to keep the Mission abreast of illegal activities that could affect the safety of the observers.

46. MINURSO monitored demonstrations that occurred in close proximity to the east side of the berm. In one case, five warning shots were fired by a Royal Moroccan Army soldier in response to the burning of a Moroccan flag and stone throwing by demonstrators. In order to help calm the situation and to prevent incidents, MINURSO increased patrolling and liaised with the parties, including with regional commanders and relevant political interlocutors.

47. Within its capabilities, the military component provided medical support for the UNHCR programme on confidence-building measures (CBMs) and emergency medical services, including casualty evacuation, to the local population on a humanitarian basis. Through its Bangladeshi Medical Unit, the Mission also assisted with three casualty evacuations and covered 45 CBM flights during the period.

48. With the increase in monitoring challenges related to the growth in military dispositions west of the berm in response to regional threats, MINURSO's military component needs to be strengthened if it is to perform effectively. This need is compounded by the reduction of the Mission's fleet of air assets for two consecutive fiscal years. It is assessed that 15 additional military observers are necessary to enable the Mission to monitor the ceasefire and any threats to it more effectively. As recalled by my predecessor in his report of 20 October 2004 (S/2004/827), the Security Council initially authorised an overall troop ceiling of 1,651 – including 550 military observers - to enable MINURSO to perform its mandated tasks. Since it has not proved possible to implement the Settlement Plan, MINURSO's military component has never reached its originally authorised strength. Adjustments to the authorised strength over the years, most recently in Security Council resolution 1056 (1996), have been conditioned upon the premise that they would not impair the Mission's operational effectiveness in the field. In light of the changing needs on the ground, MINURSO requires 15 additional military observers at the earliest to enable the Mission to better implement its mandated tasks, bringing the strength to 245 military observers.

B. Substantive civilian activity

49. My Special Representative maintained regular contacts with the parties to discuss MINURSO's implementation of its mandate and operational matters and to employ his good offices to promote the resolution of issues relating to the ceasefire and CBMs. He held several consultations and briefed Moroccan and Frente Polisario authorities, visiting diplomatic delegations and officials representing the United States, the United Kingdom, France, Spain, Russia, the African Union and international NGOs, as well as officials in Algeria and Mauritania, about MINURSO's mandate and challenges. In Laayoune and in Tindouf, my Special Representative visited or met with women's groups and organizations working in development or related domains. He also established regular contacts with the regional office of the Moroccan CNDH in Laayoune and Dakhla.

50. The Mission's political office maintained regular and constructive engagements with the respective Moroccan and Frente Polisario coordinators with MINURSO. All meetings and interactions of the Mission were conducted in full transparency with the respective coordinators. During the visit of my Personal Envoy, his meetings with local civil society and human rights organisations took place at MINURSO Headquarters where he was accompanied by my Special Representative. This was the only occasion on which the MINURSO leadership met with local civil society organisations other than the afore-mentioned women's groups.

51. During the period, MINURSO did its best to improve the scope of its reporting both to the Security Council and to the Secretariat and in support of my Personal Envoy, focusing on local developments and situational analysis, drawing on open source information and maintaining fruitful contacts with the coordinators. To the extent possible, the substantive civilian staff reported on media-based statements and reports on political developments in MINURSO's area of responsibility and in the region.

52. My Special Representative also visited Dakhla for consultations with local interlocutors, including the regional representatives of the CNDH and the Royal Moroccan Army. In addition, MINURSO political affairs officers were sent on missions to Dakhla and Smara. The officers faced no restrictions in relation to these movements, and the missions were useful.

53. My Special Representative visited the refugee camps near Tindouf six times and interacted each time with the leadership of the Frente Polisario. He made several visits to the team sites east and west of the berm to consult with MINURSO team site commanders and observers, to take stock of security precautions at a time of increased security threats and to interact with local counterparts of the Mission. In Tindouf, the MINURSO Liaison Office continued its good working relationship with the Frente Polisario.

C. Mine Action

54. Widespread contamination caused by landmines and explosive remnants of war throughout Western Sahara continues to endanger the lives of the local population, MINURSO military observers and logistical teams. During the reporting period, nine accidents resulted in injuries to two civilians on the east side of the berm. The Royal Moroccan Army reported 25 accidents in which three people were killed and 30 were injured on the west side of the berm. MINURSO continues to take steps to ensure the safety of UN personnel with the support of the Mission's Mine Action Coordination Centre.

55. Humanitarian mine action activities to the east of the berm continued to be supported by the Mission and implemented according to international mine action standards through a partnership between an international non-governmental organisation, Action on Armed Violence, and a commercial contractor, Mechem. The Mission continued to make significant progress in reducing the threat and impact of landmines and explosive remnants of war. Since its inception in 2008, the Mine Action Coordination Centre has reduced cluster strike areas by 85%, increasing access to water and saving lives. As the threat of cluster strike areas was largely reduced by the beginning of the reporting period, the Mine Action Coordination Centre began to focus its efforts mainly on minefield clearance, deploying a mechanical clearance team to one of the 38 known minefields east of the berm in April 2012. During the reporting

period, demining teams destroyed 401 items including cluster bombs units, unexploded ordnance and with anti-tank and antipersonnel mines.

56. The Royal Moroccan Army, which conducts demining operations on the west side of the berm, reported the clearance of over 199 square kilometres of land and the destruction of 1,901 items including cluster bomb units, anti-tank and anti-personnel mines, small arms ammunitions and unexploded ordnance. The extent of landmine and explosive remnants of war to the west of the berm remains unknown.

57. The provision of landmine safety briefings and landmine safety refresher trainings for all MINURSO personnel also continued to be one of the key roles of the Mine Action Coordination Centre which, by the end of January 2013, had provided 78 landmine safety briefings to 231 UN personnel in the Mission. Additionally, 108 United Nations military observers received landmine safety refresher training courses at MINURSO Team Sites on both sides of the berm.

58. Effective cooperation also continued between the MINURSO Mine Action Coordination Centre and with both the Royal Moroccan Army and the Frente POLISARIO. The Mine Action Coordination Centre began to meet with both parties on a quarterly basis to discuss information sharing, demining methodologies, Mine Risk Education and Victim Assistance interventions.

D. Safety and Security

59. MINURSO's area of responsibility was not immune from the repercussions of regional instability. Since early 2012, concern over security and safety has increased since armed al-Qaida linked elements seized northern Mali.

60. The geography of the region has always made it difficult to tighten border controls and prevent infiltrations. The size, difficulties and exposure of neighbouring Mauritania have increased risks of penetration by hostile elements who may strike deep toward the east side of the berm. For their part, the Moroccan authorities have expressed concern about deteriorating security in the region and the need to re-evaluate the Military Agreement No. 1 in that light.

61. The three humanitarian aid workers kidnapped from the Western Saharan refugee camps south of Tindouf in October 2011 by an armed group known as the "Movement for Unity and Jihad in West Africa" were released in July 2012. Nonetheless, concerns about kidnapping remain high. In May 2012, Frente Polisario military authorities expressed concern for the safety of MINURSO personnel. Additional security measures have since been taken in collaboration with Frente Polisario authorities to provide escorts for military observers and humanitarian agencies and to deploy additional troops around UN team sites east of the berm.

62. In July 2012, the Spanish government temporarily withdrew 17 European aid workers from the Tindouf area for security reasons. Responding to numerous security concerns, MINURSO completed construction work to improve security in and around all team sites east of the berm in the Territory. In Tindouf, the recently established Joint Security Coordination Committee, bringing together MINURSO, the United Nations agencies, and the Frente Polisario in a security forum, provides a critical information pool for evaluating

the security situation and measures in place and deciding on mitigating measures. Frente Polisario military authorities reinforced security measures around MINURSO's team sites east of the berm, as recommended by an April 2012 joint Department of Safety and Security/Department of Peacekeeping Operations security assessment. The Royal Moroccan Army also strengthened security around the team sites west of the berm.

63. Since late 2012, a Saving Lives Together security enhancement initiative by MINURSO and UNDSS, funded by the European Community Humanitarian Office (ECHO) and the Spanish Agency for International Cooperation and Development (AECID) respectively through UNHCR, has sought to foster a culture of security among the participating non-governmental organizations operating in the refugee camps near Tindouf through the implementation of a broad program that encompasses improved physical security, risk assessment and emergency response capacities. This will permit humanitarian organizations to better manage their own security in the midst of increased regional risks and thus ensure their continued ability to implement their programs on the ground.

64. No visible or palpable threat to the security of United Nations staff has been reported west of the berm. However, given the unpredictable nature of security challenges in the region, vigilance is critical. Exercises simulating emergency evacuations were conducted in some team sites as part of the Mission's efforts to enhance the readiness of the military observers.

E. Persons unaccounted for in the conflict

65. The International Committee of the Red Cross continued to work with the parties and families concerned in pursuing the question of persons still unaccounted for in relation to the conflict.

F. Assistance and protection to Western Saharan refugees

66. UNHCR enhanced its protection presence and monitoring in the Western Sahara refugee camps near Tindouf through direct interaction with the refugees and their communities, constructing new field offices in all the camps to bring services closer to them. UNHCR, the World Food Programme (WFP), the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) continued to provide material assistance to refugees in the camps, working in close coordination with ECHO, AECID and several international and local non-governmental organizations. UNICEF also strengthened its operational capacity, adding two staff permanently deployed in Tindouf, allowing for closer monitoring, improved coordination with other UN entities and enhanced participation in joint assessments of HIV/AIDS, water, sanitation and hygiene (WASH) and other programs.

67. During the reporting period, the main areas of support comprised protection, community services, education, water supply, sanitation and hygiene, health, food and nutrition, shelter, energy, transport and logistics. Pending registration, WFP continued to provide 90,000 general food rations and 35,000 supplementary general food rations to the most vulnerable refugees each month, while UNHCR added complementary food. The two agencies also conducted 455 general food basket distribution visits to different food distribution points in the camps each month.

68. UNHCR and WFP, through their implementing partner, the Algerian Red Crescent, conducted a supplementary feeding programme to moderately malnourished children under 5 years of age, and to pregnant and lactating women in all camps, distributing two new food products, the introduction of which was preceded and accompanied by education campaigns to ensure their acceptance and effective use. UNHCR funded the training of 113 refugee health and nutritional personnel on nutritional programme management, monitoring, evaluation and better reporting.

69. UNHCR also provided support to the refugee camps' nursing school, conducting training courses for nurses and midwives and supplying products and teaching aids. Thirteen students graduated in 2012 bringing the total of graduates to 84 since 1992. UNICEF reinforced its Expanded Programme on Immunization, with the introduction of a new vaccine, and capacity building for health personnel and midwives and cold chain maintenance.

70. UNHCR continued to provide support to a number of vocational centres for women, youth and persons with disabilities during the reporting period. UNHCR provided school supplies to schools in the camps, rehabilitated one school in Smara camp and trained teachers in curriculum development and pedagogy. Since 2008, 38 students have received UNHCR scholarships. UNICEF also provided school supplies for the education sector.

71. UNHCR expanded water systems through hydraulic and electrical connection to existing wells and constructed two additional boreholes, bringing the total number of boreholes in the camps to six. Solidaridad Internacional, a Spanish non-governmental organization, installed water systems in all the camps with funding from the ECHO and UNHCR.

72. Pursuant to the recommendation contained in my report of 5 April 2012 (S/2012/197, para. 63) requesting UNHCR to maintain its consideration of a refugee registration in the refugee camps, in line with its mandate and principles, UNHCR continued its dialogue with Algeria, the host country, as stipulated in Security Council resolution 2044 (2012).

G. Confidence building measures

73. With the cooperation of Morocco and the Frente Polisario, UNHCR continued to implement the confidence-building measures (CBM) programme to facilitate contact and communication between Western Saharan refugees in the camps near Tindouf and their families in the Territory. MINURSO supported the programme by providing medical staff and police officers to facilitate preparations and serve as escorts. Family visits and cultural seminars remain the two fundamental components of the updated plan of action for CBMs, as agreed with the parties in February 2013.

74. Between 2004 and the end of 2011, the total number of persons registered for the family visit programme in the camps near Tindouf and in the Territory was 48,252. Of this number, 16,889 persons (58% females and 42% males) have benefited from the family visit programme.

75. From 2 to 6 July 2012 and 2 to 8 February 2013, UNHCR organized two seminars in the Azores and Faro, Portugal, on the role of women in Sahrawi culture and the importance of the tent (al-khaima) in Sahrawi culture

respectively. The seminars were each attended by 33 participants from the Territory and 33 from the refugee camps near Tindouf.

76. Following engagement with the parties, UNHCR chaired two meetings in Geneva in 2012 to review the CBM programme. Participants included representatives of the two parties, Morocco and Frente Polisario and the two neighbouring states, Algeria and Mauritania. Participants reaffirmed the importance of the CBM programme and the need to find ways and means to maximize the links between families who have been divided for 38 years because of the conflict. The parties expressed their commitment to cooperate fully with UNHCR in implementing confidence-building activities in accordance with its mandate and principles and to preserve the humanitarian character of the CBM programme. They also made a commitment to ensuring UNHCR's full and unhindered access to the refugee camps near Tindouf and to beneficiaries in the Territory. The parties and the neighbouring States acknowledged the positive outcome of the cultural seminars and agreed that another cultural seminar should be held in Portugal in agreement with its Government. The participants also agreed that UNHCR would conduct an evaluation of the entire range of CBMs including family visits, communications, seminars and others. UNHCR will field a mission for this purpose during the second quarter of 2013. The next meeting with the parties and the neighbouring States is proposed for the first week of July 2013 in Geneva.

77. With regard to the programme of family visits, the twice-monthly exchange visits remain the most appreciated way of keeping families connected. To increase the number of persons benefiting from the programme and as agreed at the January 2012 review meeting, UNHCR leased a larger aircraft, which tripled the number of beneficiaries and increased the number of locations for the visits. MINURSO's contribution is mainly delivered by the Mission's police component. As noted in my reports since 2006, MINURSO's police component is comprised of six police officers, whose members accompany UNHCR colleagues who check each visitor and each host family before the visits take place. United Nations police provide an impartial presence at the location of the visit during its duration. With this increase in operations, the Mission requires six UNPOLs beyond the currently authorised level, preferably female, since the majority of beneficiaries are women and children.

78. In November 2012, one of the visitors from the camps to the territory was the victim of a traffic accident on the road leading from Laayoune to Smara. The severity of his case required immediate hospitalization at the Laayoune hospital. In coordination with UNHCR, the Moroccan authorities evacuated him from Laayoune to Marrakech where he received intensive care and subsequently recovered.

H. Irregular migrants

79. No irregular migrants were recorded in Western Sahara during the reporting period.

I. Human rights

80. During the period, human rights violations affecting Western Sahara in both the Territory and the refugee camps near Tindouf continued to be alleged or reported. With regard to the Territory, these related in particular to fair trial,

torture, cruel inhuman and degrading treatment, and freedom of expression, association and assembly. Nineteen letters from the Secretary-General of the Frente Polisario, Mohammed Abdelaziz, asserting that Moroccan security forces had committed human rights violations and that international trial standards had been violated. In March 2013, Morocco sent three letters addressed to the Secretary-General on ceasefire violations, the need for a census in the refugee camps and human rights.

81. In relation to the military trial of 25 Western Saharan civilians (see para.14), the Moroccan authorities and some international observers positively acknowledged the proceedings and the outcome of the trial, which had been open to international and national observers, as well as to relatives and supporters of both victims and defendants. The CNDH followed the case closely and concluded that the trial took place in “normal conditions” and generally respected procedures. Its preliminary report took note of the complaints of torture and ill-treatment that certain defendants had submitted, stating that they will be considered in the CNDH’s final report. In contrast, other local and international non-governmental human rights organisations criticised breaches of international fair trial standards.

82. The Office of the High Commissioner for Human Rights (OHCHR) and the Special Rapporteur on torture expressed concern over the use of a military court to try civilians, as well as its failure to investigate allegations of torture and ill-treatment, including sexual violence, during the prisoners’ pre-trial detention. I share these concerns. The Moroccan authorities informed the High Commissioner that the jurisdiction of the Court was legal and complied with the provisions of international law and that fair trial procedures were respected (a public trial, the rights of defense, debates and presumption of innocence) and are consistent with international norms and standards.

83. While the accused have appealed the verdict, it is of concern that the only appeal against the verdict of the Military Tribunal is directly to the Court of Cassation, which does not allow for a complete review of all aspects of the case. In this regard, King Mohammed VI recently endorsed the CNDH’s recommendation that civilians should not be prosecuted in a military court. Also, on 12 February 2013, Morocco’s Lower Chamber of Parliament (Chambre des représentants) adopted an accession law for the Optional Protocol to the Convention Against Torture (OPCAT). While the creation of the CNDH and its regional offices is a positive development, further support from the Government for the implementation of their recommendations is needed to ensure the ability of this organization to protect human rights and maintain its credibility.

84. The cases of over 100 Western Saharans, accused of acts of violence in relation to the dismantling of the Gdim Izik camp, remained pending before the Laayoune Court of Appeal. Investigations into their cases were reportedly ongoing while the accused were under provisional release. Local sources noted that some of the accused alleged that they were tortured or ill-treated. An investigation into these allegations had reportedly not been opened.

85. There was no significant development in the trial of the seven Western Saharan activists, including one woman, charged in relation to their visit to the Western Saharan refugee camps near Tindouf in October 2009, as reported in paragraph 75 of my previous report (S/2012/197). At the time of writing, the trial, which opened in October 2010, was still ongoing with the accused remaining under provisional release.

86. Local human rights organizations complained of long-standing difficulties to operate in the Territory. Notably, Western Saharan human rights organizations claimed that despite efforts in previous years to register as non-governmental organizations, they continue to be denied any legal recognition. The Special Rapporteur on human rights defenders, Margaret Sekaggya, also expressed concern at alleged restrictions on the right of peaceful assembly and restrictions on registration of Western Saharan NGOs (A/HRC/22/47/Add.4).

87. As mentioned earlier, international organizations and United Nations independent experts were able to visit the Territory. However, they reported some constraints while conducting their work, notably monitoring by the local authorities of meetings and the climate of intimidation that this created for some interlocutors.

88. Local human rights organizations regularly reported beatings of demonstrators by Moroccan security forces, including during the visit of my Personal Envoy. Aminatou Haidar, an activist and head of the Collectif des Défenseurs Sahraouis des Droits de l'Homme (CODESA) submitted a complaint to the General Crown Prosecutor on 12 November 2012 regarding her allegations that she was beaten by security forces and her property attacked. She has yet to receive a response.

89. In relation of the work of international human rights mechanisms, the Moroccan authorities have facilitated the access of United Nations special procedures mandate holders to the Territory when requested to do so in the context of visits to Morocco. It should be noted that special procedures mandate holders engage with one government at a time; previous visits have therefore not included missions to the refugee camps near Tindouf in Algeria. Furthermore, thematic mandate holders are not a mechanism intended or able to provide continuous monitoring of and reporting on the overall human rights situation in any geographical region, including Western Sahara and the camps near Tindouf.

90. The Special Rapporteur on Torture, Juan Méndez, visited Laayoune in September 2012 for a two-day period and focused on his specific mandate. On 4 March 2013, he presented his report to the Human Rights Council (A/HRC/22/53/Add.2). He concluded that, in the case of Western Sahara, there was a pattern of excessive use of force during demonstrations, including kidnapping and abandonments in the desert, and of torture and ill-treatment by police officers and security personnel against alleged or known supporters of the independence of Western Sahara both outside and inside detention centres. He further noted that many individuals have been coerced to confess and sentenced to prison on the basis of such confessions.

91. The Special Rapporteur recommended that the Government of Morocco promptly conduct impartial and independent investigations of allegations of torture, hold perpetrators accountable, provide compensation to victims, reconsider the jurisdiction of military courts over civilians and further strengthen protection for internationally recognized human rights. He also assessed that the entire region would benefit from a robust regional inter-governmental human rights monitoring mechanism as an important confidence-building measure that could help to improve the situation with respect to human rights observance.

92. In September 2012, the Human Rights Council adopted the outcome of the Universal Periodic Review on Morocco, including five recommendations relating to the human rights situation in Western Sahara. Three recommendations pertaining to the protection of human rights defenders, including granting official accreditation to human rights organisations, the implementation of independent and credible measures to ensure full respect for human rights, freedom of association and expression and the protection of human rights in light of reported cases of abuses by Moroccan security forces enjoyed the support of the Government of Morocco, which considered that these recommendations had already been implemented or were in the process of being implemented.

93. The following recommendation did not enjoy the support of Morocco: “Ensure that the procedures governing registration of civil society organizations, including organizations advocating for the Saharawi people’s right to self-determination, are in conformity with international standards”. Morocco rejected the following recommendation, arguing that it did not fall within the scope of the mandate of the Human Rights Council: “Accept the establishment of a permanent human rights component in the United Nations Mission for the Referendum in Western Sahara (MINURSO)”.

94. With regard to the work of Moroccan national institutions, the CNDH’s work in the Territory was a positive step that enabled it to gain closer proximity to Western Saharan victims of human rights violations and to human rights issues specific to the Territory. The Special Rapporteur on Torture acknowledged and encouraged this positive development, while noting that the CNDH should not be considered as a substitute for a functioning complaint system regarding allegations of torture and ill treatment. CNDH offices in the Territory carry out a range of activities including trial observations, prison visits and human rights trainings. They have on several occasions informed MINURSO of their activities in the promotion of human rights and of the challenges they face. On two occasions, MINURSO political affairs officers attended human rights seminars in Laayoune, at the invitation of the CNDH and as observers.

95. As mentioned earlier, the “Regional Development Model for the Southern Provinces” developed by the ESEC aims to “allow the local population to fully enjoy human rights in their economic, social and cultural dimension” and “prepare [...] the way for the success of the Moroccan autonomy initiative, once negotiated in the United Nations framework”. One of the six areas for action will be “ensuring access to basic rights and services and promoting social well-being”, while one of the indicators of success will be respect for human rights.

96. Information regarding the human rights situation in the refugee camps near Tindouf, Algeria, remains limited. In recent years, allegations of violations have been reported, notably violations of the rights to freedom of expression and movement. In a speech delivered on 6 November 2012, King Mohamed VI called on the international community “to endeavour to put an end to the suffering endured by our citizens in Tindouf, on Algerian soil, where some of the most hideous forms of repression, oppression, despair and deprivation prevail, in gross violation of the most basic human rights”. In September 2012, the Frente Polisario expressed its readiness to cooperate with United Nations human rights bodies, including in the refugee camps and the Territory.

97. On 24 to 28 September 2012, the African Commission on Human and Peoples’ Rights undertook a fact-finding mission, which was sanctioned by the

Assembly of African Heads of State to evaluate human rights in the Territory and the refugee camps near Tindouf. The Moroccan authorities did not respond to the mission's request to visit the Territory, but its members did visit the refugee camps. Their press release cited information relating to alleged violations committed in the Territory, but provided no information pertaining to alleged violations in the camps. The mission report was scheduled to be submitted to the Assembly of Heads of State and Government in the African Union in January 2013. At the time of writing, the report was not yet publicly available.

V. African Union

98. MINURSO continued its cooperation with the observer delegation of the African Union led by its Senior Representative, Ambassador Yilma Tadesse of Ethiopia. I wish to reiterate my appreciation to the African Union for its contribution towards the ongoing negotiating process. MINURSO continued to support the African Union delegation in Laayoune with logistical and administrative assistance drawn from its existing resources.

99. At the African Union's Summit in January 2013, the Executive Council requested the African Union Commission "to take all the necessary measures for the organization of a referendum for self-determination of the people of Western Sahara in compliance with the relevant OAU Decisions and UN Resolutions".

VI. Financial aspects

100. The General Assembly by its resolution A66/278 dated 21 June 2012 appropriated the amount of \$58.3 million for the maintenance of MINURSO for the period 1 July 2012 to 30 June 2013. Should the Security Council approve my recommendations on the extension of the mandate of MINURSO and increase in the authorized strength, the cost of maintaining the Mission until 30 June 2013 would be limited to the amounts approved by the General Assembly. The proposed budget for MINURSO for the period 1 July 2013 to 30 June 2014 in the amount of \$58.4 million (exclusive of budgeted voluntary contributions in kind), based on the current authorized strength for MINURSO, has been submitted to the General Assembly for consideration during the second part of its resumed sixty-seventh session. Should the Security Council approve my recommendations on the extension of the mandate of MINURSO and increase in the authorized strength, I shall advise the Advisory Committee and the General Assembly as necessary.

101. As at 18 March 2013, unpaid assessed contributions to the special account for MINURSO amounted to \$47.8 million. The total outstanding assessed contributions for all peacekeeping operations as of that date amounted to \$2,380.2 million.

102. As at 18 March 2013, amounts owed to troop contributors totalled \$0.9 million. Reimbursement of troop and contingent-owned equipment costs has been made for the period up to February 2011 and October 2010, respectively, due to the insufficiency of cash in the special account of the Mission.

VII. Challenges to the Mission's operations

103. In its resolution 2044 (2012) renewing the mandate of MINURSO until 30 April 2013, the Security Council requested that, in my next report, I examine the existing challenges to MINURSO's operations and steps taken to address them. In my April 2012 report to the Council (S/2012/197), I had described the challenges as falling into three categories: those related to the mandate, those related to the security situation, and those related to military and civilian activities.

104. There has been no change in the challenges MINURSO is facing with regard to its mandate and the differing interpretations of the mandate by the parties. With the mandate – unchanged since 1991 – and the reality – for example, the complete suspension of referendum activities in 2003– diverging significantly, the parties have developed significantly different interpretations of the mandate. Morocco defines MINURSO as a mainly military peacekeeping operation active for the most part along the berm, while the Frente Polisario expects MINURSO to monitor the welfare and human rights of the population throughout the Territory. These differing views in the interpretation of MINURSO's mandate continued to define the operational environment and resulted in frustration and criticism from both sides. One side asserts that MINURSO is trying to do too much; the other side asserts it is doing too little.

105. Challenges related to the security situation in MINURSO's area of responsibility have also not decreased during the reporting period, and the security of MINURSO personnel is a growing concern. Ongoing military operations in northern Mali can threaten the peripheries of areas east of the berm in the long run. During meetings with MINURSO, Frente Polisario commanders have not ruled out terrorist infiltrations. Possible armed infiltrations, gaps in regional security coordination and resource shortages for effective border controls expose military observers to risk. This was the reason for the continuing suspension of MINURSO night patrols east of the berm, which have not resumed. In addition, all patrols towards the Mauritanian border are escorted by Frente Polisario troops. On both sides of the berm, the need to take precautionary measures includes the need for the parties to take increased measures to protect the team sites as well as during certain patrols and movements. Every such security measure, while necessary, implies giving the parties a degree of monitoring and control over the freedom of movement of MINURSO's military observers.

106. MINURSO's monitoring and reporting of violations of Military Agreement No.1 still suffer from challenges reflecting a general lack of precise ceasefire terms and the Mission's lack of authority to prevent or rectify non-compliance. Despite MINURSO's efforts to clarify to the parties its reading of the text, varying interpretations of the agreement continue on the basis of differing readings of its specific provisions. So far, the resulting violations do not jeopardize the cease-fire. However, they have led to a gradual erosion of the authority of MINURSO and therefore of the standing it enjoys in its area of responsibility. Morocco has suggested some specific changes to Military Agreement No. 1, and the Frente Polisario has also indicated that it views some provisions as being in need of review. However, up to now, the proposals of the two parties are incompatible, and MINURSO will continue to seek common ground for mutually agreed revisions of the agreement.

107. The substantive civilian activities of MINURSO likewise remain challenged by the differing interpretations of the mandate, with the Frente Polisario calling for a literal application of the phrase "free interaction with all interlocutors" in the Security Council's last resolution and Morocco calling for a more limited understanding based on its view of MINURSO as a mainly

military peacekeeping operation primarily concerned with the cease-fire. MINURSO's meetings with interlocutors and political reporting are conducted within the limits set by the differing understanding of the Mission's nature. MINURSO continues to be guided by the imperative of positive and constructive interaction with the parties and, therefore, exercises caution in the selection of its interlocutors. While, with the full cooperation of the coordinators of both parties, this has led to a broadening of the range of MINURSO's interlocutors and the scope of the issues being discussed, it is still not a fully satisfactory situation. The Mission is still limited in its ability to provide truly independent reporting on developments to the Council and the Secretariat.

108. The situation with regard to the issues of Moroccan flags and license plates, with its negative effects on perceptions of MINURSO's neutrality, continues as described in my last report. The United Nations position on these questions has been repeatedly brought to the attention of the Moroccan authorities, including by the Under-Secretary-General for peacekeeping and my Personal Envoy. On the license plates issue, the UN Legal Counsel has also addressed a note verbale to the Permanent Mission of Morocco. Morocco is reviewing the two issues and initiated discussions with my Special Representative in March to find pragmatic solutions in this regard.

VII. Observations and recommendations

109. Difficulties during the period continued to hinder progress toward "a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara". In 2012, only one round of direct talks was held under my Personal Envoy's mediation. My Envoy also undertook two trips to the region and one tour of the capitals of the Group of Friends on Western Sahara among others. At the end of the reporting period, the negotiating process remains at a stalemate because the two parties have refused to move beyond presenting and defending their respective proposals.

110. The Western Sahara conflict has long been a matter of disunity within the international community, but the rise of instability and insecurity in and around the Sahel requires an urgent settlement of this long-standing dispute. The persistence of the conflict is a hindrance to greater Maghreb integration, which is needed now more than ever in order to face the common challenge of increased instability and insecurity in the region. The time has come for the parties to move toward a solution with the encouragement and support of the international community.

111. I urge the parties to engage in genuine negotiations with the assistance of my Personal Envoy. To do so, each party must accept that neither will obtain the totality of its demands, but rather has to engage in a logic of give and take. My Personal Envoy intends to hold bilateral discussions with the parties with the goal of helping them design the contours of an acceptable compromise.

112. The context of the negotiating process has human and political dimensions. My Personal Envoy will continue to encourage further improvement in relations between Morocco and Algeria. The exchange of visits at the Ministerial level has already led to greater communication and cooperation but much more remains to be done. I urge both Morocco and Algeria to redouble their efforts in order for them both to enjoy the benefits that they would gain from improved relations and the opening of their common border in the interest of the region and of the international community as a whole.

113. Representatives of Western Saharan civil society in the Territory, the refugee camps near Tindouf and in the diaspora, particularly women and youth, have expressed a strong interest in much greater direct contact with each other. I believe a “people to people” dialogue could help bridge the gap between Western Saharans, bring their needs and desires more to the fore, and contribute positively to the negotiating environment. One way this could be done would be through a greatly expanded confidence-building measures (CBMs) programme bringing together specific sectors under UNHCR auspices. I encourage the parties to be open to such an initiative and call on Member States to be receptive to UNHCR’s calls for further funding in this regard.

114. I would also like to stress the critical importance of addressing the Western Sahara conflict as part of a broader strategy for the Sahel. This conflict is first and foremost a North African conflict. I am convinced that regional integration, particularly through reinforcement of the Arab Maghreb Union, is a key element in overcoming the current instability and reaping important economic, commercial and social benefits. I am hopeful that progress on this front will help enhance trust between the parties and provide a context conducive to a solution for the Western Sahara conflict. As the negotiations move forward, my Personal Envoy will engage with other countries of the region and with regional organisations, including the Arab Maghreb Union and the African Union.

115. The issue of human rights remains important for any larger resolution of the conflict. The parties continue to differ in opinion on how it is to be addressed. Morocco considers that the activities of the CNDH and its regional offices and its invitation to UN special rapporteurs are appropriate and sufficient mechanisms to address human rights issues. According to the Frente Polisario, there is a need for an independent human rights monitoring mechanism in the Territory, for instance by adding human rights monitoring to MINURSO’s mandate.

116. All parties have responsibilities to ensure the protection of human rights. I therefore urge them to pay more attention to the issues being raised and promote a culture of human rights. I continue to encourage the parties to do more to promote and respect human rights. I acknowledge Morocco’s cooperation with the Special Procedures of the Human Rights Council, and its open invitation for them to access the Territory. I am encouraged by King Mohammed VI’s recent endorsement of the CNDH’s recommendation that civilians should not be prosecuted in a military court, and I hope implementing legislation will be passed promptly. I also take positive note the Frente Polisario’s expressed readiness to cooperate with United Nations human rights bodies. I urge further international engagement with regard to the situation in Western Sahara and the refugee camps near Tindouf. Given ongoing reports of human rights violations, the need for independent, impartial, comprehensive and sustained monitoring of the human rights situations in both Western Sahara and the camps becomes ever more pressing.

117. Closely related are the demonstrations for social and economic rights that have occurred throughout the reporting period. I acknowledge Morocco’s efforts to improve social conditions in the Territory and to that end, take note of its preparation of a new regional development strategy for the Territory.

118. While MINURSO continued to ensure compliance with provisions of the ceasefire and perform related tasks critical to the deterrence role of the Mission in order to assure each side of the other’s non-aggressive intentions and to

resolve issues or tensions when they arise, new challenges now require an equal measure of increased monitoring by MINURSO's military observers. The need for additional military observers is urgent as already highlighted. In view of those new challenges, I reiterate my call to the parties, which has not yet been followed up, to establish direct cooperation and communication through a joint military verification mechanism to discuss allegations of violations and other issues of common interest.

119. With regard to the CBM programme, the exchange visits remain the most appreciated way of keeping families connected. The expansion of the family-visit programme to triple the number of beneficiaries was particularly welcome. To cope with the increased volume and activities, the Mission still requires six additional UNPOLs, as indicated in my previous report, whom I intend to deploy at the earliest. I also note the successful inter-Saharan cultural seminars, and the parties' commitment to continue constructive cooperation with UNHCR in order to alleviate the divisive effects of the conflict. In view of the vital importance of the programme for the beneficiaries and for my efforts to find a political solution, I strongly urge the donor community to contribute generously to this programme. I would also like to thank Algeria and Mauritania for their support of the CBM humanitarian programme.

120. I welcome the continued progress in the clearance of land mines and explosive ordinances of war. The cumulative reduction in mines is commendable. Mine action activities and sensitisation have positively contributed to the safety of civilians and UN personnel. I commend the constructive discussions held by each party with the United Nations Mine Action Service on the implementation of international mine action standards on both sides of the berm. I call upon donors to support the efforts towards demining in Western Sahara.

121. MINURSO has helped keep the peace through its effective monitoring of the ceasefire, as well as reporting on the military activities of both sides and on developments in and affecting its area of responsibility, demining activities, and the provision of logistics support to the UNHCR's CBM programme. Within the constraints in which it operates, MINURSO has maintained its ceasefire monitoring function, and its presence on the ground has played an important role in deterring the parties from breaking the ceasefire agreement or resuming hostilities. It has made good progress in demining, clearing vast areas of the Territory and has effectively facilitated the family visits program under UNHCR auspices.

122. In addition to its ceasefire monitoring function and as the only significant international presence in the Territory, MINURSO is also responsible for standard peacekeeping functions, such as monitoring, assessing and reporting on local developments, affecting or relating to the situation in the Territory as well as on political and security conditions affecting the negotiating process led by the Personal Envoy. MINURSO's reporting function, although still limited, is indispensable, including for my Personal Envoy. I hope that the limitations that still exist in this regard can be overcome, building on the progress achieved so far.

123. As a guarantor of the stability of the ceasefire, and as visible evidence of commitment of the international community to achieve a resolution of the conflict, I believe that the presence of MINURSO remains relevant as (a) an instrument of stability in the event that the political stalemate continues; (b) as a mechanism to support implementation of successive Security Council

resolutions related to the mandate of MINURSO (United Nations Mission for the Referendum in Western Sahara); and (c) to provide independent information on the conditions on the ground to the Security Council, the Secretariat and the international community. I therefore seek the assistance of the Security Council in reasserting the mandated role of MINURSO, upholding peacekeeping standards and United Nations neutrality and ensuring that the conditions for the successful operation of the Mission are met. I also call on both parties, Morocco and the Frente Polisario, to cooperate fully with MINURSO in achieving these objectives. In this context, and in light of the continuing efforts of my Personal Envoy, I recommend that the Security Council extend the mandate of MINURSO with a modest increase of 15 military observers and six UN police officers to the authorised strength, for a further 12 months, until 30 April 2014.

124. In conclusion, I wish to thank Christopher Ross, my Personal Envoy for Western Sahara, for his repeated engagements with the parties towards a just and lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara. I also thank my Special Representative in Western Sahara, Wolfgang Weisbrod-Weber, as well as Major General Abdul Hafiz of Bangladesh for their able and dedicated leadership of MINURSO. Finally, I also thank the men and women of MINURSO for their work in difficult circumstances to fulfil the Mission's mandate.

Annex

United Nations Mission for the Referendum in Western Sahara

Contributions as at 31 March 2013

<i>Country</i>	<i>Military observers^a</i>	<i>Troops^a</i>	<i>Civilian police^b</i>	<i>Total</i>
Argentina	1	0	0	1
Austria	2	0	0	2
Bangladesh	8	20	0	28
Brazil	10	0	0	10
Chad	0	0	1	1
China	10	0	0	10
Croatia	7	0	0	7
Djibouti	2	0	0	2
Egypt	16	0	2	18
El Salvador	1	0	0	1
France	13	0	0	13
Ghana	9	6	0	15
Guinea	1	0	0	1
Honduras	12	0	0	12
Hungary	7	0	0	7
Ireland	3	0	0	3
Italy	5	0	0	5
Jordan	0	0	2	2
Malawi	3	0	0	3
Malaysia	6	0	0	6
Mongolia	6	0	0	6
Nepal	4	0	0	4
Nigeria	5	0	0	5
Pakistan	11	0	0	11
Paraguay	1	0	0	1
Peru	2	0	0	2
Poland	1	0	0	1
Republic of Korea	4	0	0	4
Russian Federation	17	0	0	17
Sri Lanka	3	0	0	3
Togo	1	0	0	1
Yemen	12	0	1	13
Total	183	26	6	215^c

^a Authorized strength is 231, including the Force Commander.

^b Authorized strength is 6.

^c Actual strength on the ground, for military and civilian police, including the Force Commander.