

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.

This report will be issued as a document of the Security Council under the symbol S/2017/307.

10 April 2017

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

## I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2285 (2016), by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2017 and requested me to provide a report to it on the situation in Western Sahara. It covers developments since the last report dated 19 April 2016 (S/2016/355\*) and describes the situation on the ground, the status and progress of the political negotiations on Western Sahara, the implementation of resolution 2285 (2016), the existing challenges to the Mission's operations and steps taken to address them.

## II. Recent developments

2. On 14 August 2016, Morocco began clearing an area inside the Buffer Strip below Guerguerat, in the south of the Territory, and paving a desert track linking its position at the berm and the Mauritanian border post 3.8 kilometres to the south. MINURSO received no advance notification of the activity. On 18 August, Morocco's Coordinator with MINURSO sent a letter to the Special Representative and Head of Mission confirming the clearance activities underway in the Guerguerat area had started on 14 August and were being conducted by elements of the Royal Moroccan Gendarmerie and custom officers, without the intervention of Royal Moroccan Army personnel.

3. On 15 August 2016, Frente Polisario deployed armed personnel to a position immediately beyond the southernmost reach of the road construction to stop the Moroccan works from moving forward. These personnel were replaced on 29 August by armed elements from what the Frente Polisario has described as its 'National Gendarmerie', and behind it in the Buffer Strip a fully armed protection rear guard was positioned. On 16 August, MINURSO started sending regular ground patrols and aerial reconnaissance over Guerguerat. On 28 August the Mission deployed a static team of military observers between the Moroccan and Frente Polisario positions along the road during daylight hours and conveyed to the parties its readiness to maintain a night presence if requested and should the requisite conditions be created, including standing up a team site.

4. Frente Polisario insists that the presence of its armed elements in and near Guerguerat was established in self-defence against Morocco's attempt to change the status quo by paving the desert track and has argued repeatedly that the potentially explosive situation requires a solution beyond the "mere recording of violations" of Military Agreement No.1. Frente Polisario further maintains that Morocco's activities in the Buffer Strip constitute a violation of both Military Agreement No.1, which *inter alia* prohibits the entry of military personnel or equipment by ground or air and the firing of weapons in or over the area, and of the 1991 ceasefire. It centers its argument on Moroccan law, stating that the Royal Gendarmerie is an integral

\* Reissued for technical reasons on 27 April 2016.

part of the Royal Moroccan Army and has military status. Frente Polisario also argues that, when the ceasefire came into effect in 1991, there was neither an opening in the berm nor civilian traffic between the berm and the Mauritanian border in Guerguerat, and that today's traffic therefore violates the status of the Territory and of the ceasefire, since it changes the status quo of the Buffer Strip.

5. In its contacts with MINURSO and the Secretariat, Morocco has strongly objected to the accusations that it violated Military Agreement No.1, which does not prohibit civilian activities. It insists that its clearing and paving actions were an exclusively civilian operation undertaken by a civilian contractor and its Royal Gendarmerie and customs services to counter illicit activities and facilitate road transport between Morocco and Mauritania and beyond and that no Royal Moroccan Army personnel crossed the berm. Morocco also insists that the presence of Frente Polisario inside the Buffer Strip, the hoisting of flags of the "Sahrawi Arab Democratic Republic", the erection of what it terms to be prohibited structures, and the impediments to the transit of civilian vehicles are violations of Military Agreement No.1 and an unacceptable challenge to the authority of the United Nations and MINURSO. It has repeatedly informed MINURSO and the Secretariat that it cannot be expected to refrain from reacting to the situation indefinitely.

6. On 25 August 2016, MINURSO wrote to both parties, urging them to refrain from conducting any activity inside the Buffer Strip. On 28 August, my predecessor released a statement calling on both parties to suspend any action that altered the status quo and appealing to them to withdraw all armed elements to prevent any further escalation. He also called on the parties to permit MINURSO to pursue discussions with them to reach a resolution, stressing the need to adhere to their obligations under the ceasefire and to respect its letter and spirit.

7. In early September 2016, Moroccan engineers completed paving the road up to the position of the Royal Gendarmerie, which was approximately 120 metres from the position of the Frente Polisario's "National Gendarmerie".

8. The Under-Secretary-General for Peacekeeping Operations visited Rabat, Laayoune and Rabouni from 21 to 24 October 2016 and conducted an aerial reconnaissance over Guerguerat. He reiterated my predecessor's call for both sides' full withdrawal and received the parties' assurances of their intention to avoid escalation and their commitment that neither would provoke a return to hostilities.

9. Furthermore, in December 2016, Frente Polisario military elements were reported in the media to have reached the coastline along the Cape Nouadhibou peninsula south of Guerguerat, hoisting the flag of the "Sahrawi Arab Democratic Republic" in the presence of the Frente Polisario Secretary-General. Although MINURSO's repeated aerial reconnaissance flights along the peninsula did not detect any human presence, two flags were spotted. The Frente Polisario leadership also confirmed to MINURSO that a number of its elements had "reached the Atlantic coastline" but provided no further details.

10. Frente Polisario established additional positions manned by military elements in the Buffer Strip along the protection rear guard. These personnel established several structures south of the Gendarmerie line, within a radius of 2 kilometres, consisting of small dry-wall constructions, some of which had roofs and were the height of a person. MINURSO observed flags or insignia of "the Sahrawi Arab Democratic Republic" in at least three of these locations, as well as tents. Morocco

submitted numerous complaints to the Secretariat and MINURSO opposing these activities, describing them as “unacceptable provocations”.

11. Tensions continued to rise until they reached a peak in mid-February, when Frente Polisario started impeding the movement through Guerguerat of civilian and commercial vehicles displaying Moroccan insignia and maps showing Western Sahara to be part of Morocco, citing the latter in particular as a deliberate provocation. On several occasions, MINURSO observed damage caused to some vehicles whose drivers ignored Frente Polisario’s request to stop at their position or who stopped but were obliged to remove Moroccan insignia. Such damage included windows broken by stones thrown by Frente Polisario elements or scratches to the paintwork during removal of the insignia. Morocco vigorously protested these incidents, requesting MINURSO to intervene.

12. On 25 February 2017, I issued a statement strongly urging Morocco and Frente Polisario to unconditionally withdraw all armed elements from the Buffer Strip near Guerguerat, to adhere to the letter and spirit of their obligations under the ceasefire agreement, and to refrain from obstructing regular commercial traffic. On 26 February 2017, Morocco announced its unilateral withdrawal from the Buffer Strip so as “to immediately apply and respect the request made by the United Nations Secretary-General”. Initially, Morocco indicated that removing the Royal Gendarmerie from the Buffer Strip would be contingent on a full removal of the Frente Polisario’s presence and constructions and completion of the road works to the Mauritanian border. The same day, Frente Polisario issued a statement sharing my concerns over the situation in Guerguerat, but arguing that the situation is not an isolated fact and that the crisis can therefore be overcome only by taking the “decolonization process” for Western Sahara into account, thus opening the way to its withdrawal. The Frente Polisario also placed conditions on its withdrawal from the Buffer Strip, including a full Moroccan withdrawal from the area, as well as demonstrable progress in the negotiating process and on broader issues, such as Morocco’s respect for MINURSO’s status, privileges and immunities (see below, paragraph 58), and MINURSO’s return to full functionality.

13. All construction by Frente Polisario has now ceased. However, the impediments to the movement of vehicles carrying Moroccan insignia and maps continue. Meanwhile, MINURSO has maintained its temporary presence in the area during daylight hours and stands ready to establish a longer-term presence should the requisite conditions be created.

14. Meanwhile, MINURSO was unable to restore full functionality within the 90-day timeframe that the Security Council had stipulated in resolution 2285 (2016). On 12 June 2016, an agreement was reached with the Government of Morocco on the return of 25 of the expelled international staff, who then redeployed to the Mission. Numerous consultations have been undertaken with the Government of Morocco on the return of the remaining affected staff. In March 2017, the Secretariat initiated steps to address the status of those staff members who remained affected. However, on 4 and 5 April, the Permanent Representative of Morocco conveyed, in separate meetings, to my Under-Secretaries-General for Political Affairs and Peacekeeping Operations his authorities' readiness to accept the immediate return of all 17 MINURSO staff who have been unable to return to their duty station since March 2016.

15. A Mission Support Review (MSR) took place in MINURSO in late 2016 to ensure that its support structure is aligned to effectively implement the mandate by identifying ways to streamline the Mission's work processes, rationalize staffing levels and deliver services more efficiently.

16. Overall, the MSR provided guidelines for critical actions to enhance the Mission support component's robustness and agility, including restructuring Mission Support, to include supply chain and service delivery and moving certain non-location specific posts to Entebbe and Brindisi.

17. A Military Capability Study, finalised in March 2017, noted that the Mission's security posture and capacity need to be improved to best respond to the evolving security challenges. In particular, upgrading security infrastructure at Team Sites was identified as a priority, along with the augmentation of existing aviation capacity to ensure the Mission is able to complete mandated observation tasks in areas of increased threat. The adoption of adjusted patrolling and support tasks was also noted as a positive step, while requiring regular review to ensure mandate delivery and security. The lack of full functionality has been seen to impede the military activities of the Mission due to the increased demands placed on military observers to perform a variety of support tasks.

18. On 7 October 2016, general elections were held in Morocco and in that part of Western Sahara under Moroccan control, insofar as MINURSO could ascertain, without incident. In a letter to my predecessor dated 24 September 2016, the Secretary-General of Frente Polisario denounced Morocco's conduct of these elections within Western Sahara, calling them an "illegal and provocative act given its status as a non-self-governing territory".

19. On 6 November 2016, King Mohammed VI delivered an address to mark the 41st anniversary of the 'Green March', focussing on Morocco's application to rejoin the African Union. Regarding Western Sahara, the King stated that Morocco's "southern provinces" are strong "thanks to their populations' commitment to their Moroccan nationality and to the nation's political system". The address also praised "the specific development model and projects launched in the region", and the potential for Western Sahara "to become an integrated development hub, at both regional and continental levels, and a platform for economic cooperation between Morocco and Africa". He also indicated that "Morocco will remain open and ever ready to engage in constructive dialogue in order to find a final political settlement". Frente Polisario issued a statement strongly criticizing the substance of the King's speech and calling its delivery in Dakar a reflection of "its expansionist policy against neighbours" and "a deliberate offense against Africa and its continental organization".

20. In the refugee camps near Tindouf, Algeria, public life and social activities were conducted peacefully and in a relatively calm atmosphere.

21. On 31 May 2016, the Secretary-General of Frente Polisario, Mohammed Abdelaziz, passed away. An Extraordinary Congress of Frente Polisario was held on 8 and 9 July and, upon nomination by the Frente Polisario National Secretariat, elected Brahim Ghali as his successor.

### **III. Political activities**

22. Following the last report of 19 April 2016 (S/2016/355), both parties expressed criticism of certain of its aspects. In a letter to the Personal Envoy dated 23 April 2016, Frente Polisario's representative in New York stated that "the Polisario is and will remain attached to the referendum of self-determination". In a letter to my predecessor dated 24 April 2016, Morocco's Permanent Representative criticized the report as unbalanced in its presentation of the facts and the positions of the various stakeholders.

23. The Personal Envoy began in June to consult both parties and neighbouring states on a resumption of the negotiating process. Frente Polisario, Algeria and Mauritania were consistently encouraging, while Morocco noted that more time was needed before the atmosphere was conducive to a resumption.

24. The Personal Envoy addressed a letter dated 29 July 2016 to both parties and both neighbouring states formalizing his request and indicating his desire to visit the region before the upcoming General Assembly to review recent developments and their implications, as well as the regional situation. Frente Polisario, Algeria and Mauritania responded that they stood ready to receive him at any time. Morocco replied positively in principle but deferred a concrete response. On 2 September, Morocco's Permanent Representative informed the Personal Envoy that Morocco preferred to receive him after the new Government formed as a result of the 7 October legislative elections was in place.

25. On the margins of the opening session of the 70<sup>th</sup> session of the General Assembly, the Personal Envoy consulted with a wide range of European, African, and Latin American representatives, all of whom expressed strong but general support for the negotiating process. He also met with senior representatives of both parties and both neighbouring states.

26. The Minister-Delegate to the Minister of Foreign Affairs and Cooperation of Morocco, Nasser Bourita, reiterated that his country "remains a defender of, and engaged in, the negotiating process, to which it is committed on the basis of its autonomy initiative". He noted that, for Morocco, the conflict is a regional dispute with Algeria. He also indicated that the Personal Envoy would be welcome to visit Morocco after a new Government was formed and most likely after the conclusion of the COP22 in Marrakesh from 7 to 18 November. A member of Frente Polisario's National Secretariat, Mohammed Salem Ould Salek, expressed regret over the lack of progress in the negotiating process. He emphasized the Frente's eagerness for the process to resume and reiterated its readiness to receive the Personal Envoy. He also described the difficulty that the Frente was facing in maintaining the commitment of Western Saharans to the 1991 ceasefire in the absence of any progress toward the referendum for which the ceasefire had been established.

27. The Minister of State and Minister of Foreign Affairs and International Cooperation of Algeria, Ramtane Lamamra, underscored the importance of reviving the negotiating process, welcomed the Personal Envoy's proposed visit, and stressed that his country would play a positive role in support of the parties once the process was again underway. The Minister of Foreign Affairs and Cooperation of Mauritania, Isselkou Ahmed Izid Bih, likewise welcomed the Personal Envoy's visit and stressed his country's concern over the security situation in the region, including the worrisome developments in the Guerguerat region of Western Sahara, as well as the need to resolve the overall conflict, so as to improve the living conditions of all of North Africa's populations through economic integration.

28. On 18 October 2016, the Personal Envoy briefed the Security Council, outlining the factors that had prevented progress to date in the negotiating process, including the failure of one or both of the parties to implement the Council's guidance. He encouraged Council members to press both parties to engage in a genuine process of preparing a fifth round of formal negotiations to be held without preconditions and in good faith.

29. On 15 November 2016, my predecessor met with King Mohammed VI on the margins of COP22 and underscored the importance of making progress in the Western Sahara negotiating process, as called for in the relevant Security Council resolutions. The King confirmed Morocco's intention to continue working for a solution within the United Nations framework but added that he could not meet with the Personal Envoy prior to his departure on an extended trip through Africa. A senior member of the Secretariat was told in a subsequent meeting that Morocco would no longer receive the Personal Envoy because of his alleged bias in favour of the Frente Polisario and Algeria.

30. In response to a French invitation, the Personal Envoy visited Paris from 21 to 23 November 2016 to exchange views on the stalemate in the negotiating process and the tense situation in Guerguerat. His interlocutors expressed continued support for United Nations efforts, heightened interest in working for revival of the negotiating process, and a readiness for further dialogue on how best to proceed in light of seven years of deadlock.

31. The Personal Envoy sent me a letter dated 23 January tendering his resignation effective on the date of my choosing. On 24 January 2017, I received a Moroccan emissary who transmitted the King's readiness to work with me seeking a resolution of the Western Sahara dispute and who confirmed that Morocco would no longer receive the Personal Envoy.

32. On 29 January 2017, I met with Algerian Prime Minister Abdelmalek Sellal, Minister of State and Minister of Foreign Affairs and International Cooperation Ramtane Lamamra, and Minister of Maghreb Affairs, the African Union and the Arab League Abdelkader Messahel on the margins of the African Union summit in Addis Ababa. We discussed the situation in Guerguerat as well as the need to resume the negotiating process on Western Sahara. I expressed my understanding of the complexity of the situation and my desire to maintain a frank dialogue with Algeria as I strive to relaunch the negotiating process. The Prime Minister reaffirmed Algeria's readiness to continue working with the United Nations.

33. On 17 March 2017, I received the Secretary-General of Frente Polisario for an introductory meeting that permitted him and his delegation to detail the Frente's position on the entire range of issues that constitute the Western Sahara dossier and to set forth its expectations of the Secretariat and the Security Council. I expressed my concern over the situation in Guerguerat and my disappointment that Frente Polisario had not yet withdrawn from the Buffer Strip in response to my 25 February appeal. I confirmed my earnest intention to work to relaunch negotiating efforts with a new dynamic and a new spirit, but insisted that I needed the parties' help in creating the proper ambience, especially by bringing the tensions in the Guerguerat area to an end.

## **IV. Activities of MINURSO**

### **A. Operational activities**

34. As at 15 March 2017, the military component of MINURSO consisted of 244 personnel, 11 of whom were female, against the authorized strength of 246. The military component remains deployed at nine team sites and a liaison office in Tindouf, Algeria.

35. From 1 April 2016 to 15 March 2017, MINURSO conducted 7,560 ground patrols covering 10,32,165 kilometres, 427 aerial patrols and visited units of the Royal Moroccan Army and the military forces of Frente Polisario to monitor adherence to the Military Agreement. Seventy special aerial patrols were conducted over Guerguerat and along the Cape Nouadhibou peninsula to monitor developments beginning in August. West of the berm, MINURSO military observers regularly visited 589 units, 38 training areas and 316 observation posts of the Royal Moroccan Army and monitored 399 notified operational activities. East of the berm, the military observers regularly visited 79 units, 11 training areas and 39 observation posts of the Frente Polisario military forces and monitored four notified operational activities. The Royal Moroccan Army complained three times to MINURSO that supporters of Frente Polisario had held demonstrations near the berm, denouncing them as provocations. MINURSO monitored these demonstrations from a distance and did not observe the presence of Frente Polisario military forces among the demonstrators. Local cooperation with MINURSO's team site commanders has been maintained at a generally satisfactory level by both parties.

36. West of the berm, MINURSO recorded four general violations by the Royal Moroccan Army besides the nine long-standing violations indicated in report S/2015/246, para. 25. The general violations concerned tactical reinforcements at two strong points and one observation post, as well as failure to notify troop movements to MINURSO on one occasion. MINURSO also recorded a violation by the Royal Moroccan Army in relation to a shooting incident that took place into the Buffer Strip near Mijek on 27 February 2016, leading to one civilian casualty, the review of which could not be completed in time for the previous report (see S/2016/355\*, paragraph 6). The Royal Moroccan Army's second line of defence 15 kilometres from the berm remained operational (see S/2016/355\*, paragraph 34), which has constituted a major long-standing violation since September 2008. In response to MINURSO's notifications of these long-standing violations, the Royal Moroccan Army stated that they were "operational necessities" stemming from a changed environment and requirements to fight terrorism, smuggling and other illicit activities and were unrelated to the ceasefire requirements. It further stated the need to replace 18 inoperable artillery pieces.

37. East of the berm, MINURSO observed and recorded eight general violations: the entry of Frente Polisario military forces into the Buffer Strip on two occasions; the temporary establishment of an observation post inside the Buffer Strip near Bir Lahlou, the holding of a military exercise by Frente Polisario without notification to MINURSO on two occasions; the relocation of accommodation of one company of

Frente Polisario's armed forces and two freedom-of-movement violations. These were in addition to the three long-standing violations indicated in a previous report.

38. MINURSO is reviewing the activities of both parties within the Guerguerat area in light of possible violations of Military Agreement No.1 or of the spirit of the 1991 ceasefire agreement.

39. Since security concerns precluded MINURSO's ground patrols in the Buffer Strip and along the Cape Nouadhibou peninsula between 15 August 2016 and 15 March 2017, 74 reconnaissance flights were conducted, placing a considerable strain on the Mission's limited air assets. Between 29 August 2016 and 26 February 2017, MINURSO maintained a presence between the Moroccan and Frente Polisario elements during daylight hours, which was maintained to monitor the activities of the Frente Polisario "National Gendarmerie" after Morocco's withdrawal on 26 February 2017. Safety concerns required personnel to withdraw overnight to the town of Dakhmar.

## **B. Mine action**

40. Landmines and explosive remnants of war (ERWs) continued to pose a threat to MINURSO ceasefire monitoring efforts. As of 15 March 2017, 50 cluster bomb strike areas and 36 minefields remain east of the berm. Morocco's expulsion of MINURSO mine action international staff from Laayoune in March 2016 resulted in the suspension of demining operations east of the berm from 20 March to 15 September 2016, when the MINURSO Mine Action Coordination Centre (MACC) resumed its operations from Tindouf, Algeria, where it relocated.

41. In support of the Mission's ceasefire monitoring, MACC conducted clearance of landmines and ERWs, route verification east of the berm and landmine safety training to incoming MINURSO staff. During the reporting period, 1,856,569 m<sup>2</sup> of land were released and 900 explosive hazards, including 678 cluster sub-munitions, 189 unexploded ordnance items and 17 anti-tank mines, were destroyed. MACC cleared 19 cluster strikes areas of medium to high priority and verified 65 km of patrol routes to facilitate MINURSO patrols to the east of the berm.

42. The Royal Moroccan Army reported the clearance of more than 217,980,000 m<sup>2</sup> of land to the west of the berm and the destruction of 949 items.

## **C. Security**

43. The security environment in the Mission's area of responsibility continues to be affected by the potential for regional instability. Primary responsibility for ensuring the safety and security of United Nations personnel, assets and resources rests with Morocco, Frente Polisario and Algeria (in and around Tindouf), which continue to cooperate on security matters.

44. My Special Representative continued to engage with her Moroccan, Frente Polisario and Algerian counterparts to address the changing security environment. The Moroccan authorities continued a constructive discussion with MINURSO on enhancing their protective measures for the United Nations west of the berm. Frente Polisario regularly updated the Mission on possible threats and suggested further protection measures east of the berm and in the refugee camps. The Royal Moroccan

Army and Frente Polisario positively responded to MINURSO's requests to augment their protection of team sites (see S/2016/355, paragraph 46). MINURSO has also increased its alertness and situational awareness, although its security section has been affected by limitations to its full functionality.

45. On 23 November 2016, MINURSO received information from a Member State that a terrorist group affiliated with the "Islamic State of Iraq and the Levant" (ISIL) had identified MINURSO team sites east of the berm as targets. The group had published a video on 5 May 2016 calling for attacks against MINURSO and Morocco and is also believed to have been involved in the kidnapping of three international humanitarian workers from Rabouni, near Tindouf, Algeria, on 23 October 2011 (see S/2012/197, paragraph 51). MINURSO therefore increased security measures around the team sites east of the berm and for MINURSO personnel movements. Frente Polisario officials confirmed the threat and reiterated their commitment to provide protection for MINURSO's static team site installations east of the berm. However, on several occasions, Frente Polisario warned MINURSO that it was unable to guarantee the secure movements of MINURSO's patrols or supply convoys unless these were protected by Frente Polisario's mobile armed escorts.

46. In response to these warnings, the Department of Safety and Security conducted security assessments focused on activities east of the berm, in Tindouf and in the refugee camps, based on which the existing restriction on all night-time movements of United Nations staff in Tindouf and the refugee camps was extended, distance limitations were placed on ground patrols east of the berm, and remote areas with limited Frente Polisario presence were avoided. Possible risk mitigating measures continue to be assessed while MINURSO adjusts its processes on an ongoing basis.

47. Observation of areas inaccessible to ground patrols has been augmented by aerial patrols, while the logistics supply chain has been reviewed to minimise non-critical movements. Road supplies have been limited to lifeline items, including bulk water and fuel, as well as assets requiring ground transportation. Delivery by air has been used for all other supplies. Added to the increased need for aerial reconnaissance in Guerguerat, this is placing a heavy burden on MINURSO's limited air assets, prompting the Mission to request an additional helicopter to increase the capacity for aerial reconnaissance, logistics demands and CASEVAC or MEDEVA substantially.

48. MINURSO also reviewed the static security installations at team sites east of the berm, which had not been overhauled for a considerable time, elaborating plans for the upgrade of security facilities to address the evolving threat. Concurrently, all MINURSO personnel were instructed to apply extreme caution and vigilance during movements east of the berm and around Tindouf.

49. The above measures do not offer permanent solutions for the need to provide the most secure environment possible for the Mission's civilian and military personnel in the most exposed and remote locations. While the acquisition of an additional helicopter to enhance reconnaissance capacities would certainly alleviate the impact of the above-mentioned reduced patrol regime, more sustainable solutions will need to be found.

## **D. Substantive civilian activities**

50. Only 25 of the Mission's international staff redeployed to Laayoune in mid-July as part of an agreement with the Government of Morocco on restoring MINURSO's full functionality.

51. Despite MINURSO's significantly reduced international staff capacity and the onset of the crisis in Guerguerat, my Special Representative has endeavoured to maintain sustained contact with the parties, primarily through their respective coordination offices.

52. West of the berm, and despite the Security Council's repeated calls for access to all interlocutors, MINURSO continued to have restricted access to local interlocutors, limited essentially to the Moroccan coordination office for civilian staff and representatives of the Royal Moroccan Army for the military component. Previous access to other local interlocutors (see S/2014/258, paragraph 47) has yet to be restored. The Mission continued to receive regular visits by representatives of Embassies in Rabat.

53. East of the berm and in the refugee camps near Tindouf, Algeria, MINURSO maintained access to representatives of Frente Polisario and refugees, as well as with local and international civil society organizations. Primarily through its leadership and its Liaison Office in Tindouf, the Mission maintained constructive cooperation with Frente Polisario on operational and other matters related to mandate implementation.

54. The significant increase in tensions stemming from the situation in Guerguerat has however led to increased criticism of MINURSO and the United Nations by both parties for their perceived inability to resolve the stalemate.

## **E. Challenges to the operations of the Mission**

55. As noted in previous reports, the parties have significantly divergent interpretations of the Mission's mandate. In Morocco's view, MINURSO's role is limited to monitoring the ceasefire, supporting demining and assisting with UNHCR confidence-building measures in the event they resume after their interruption in July 2014; it does not encompass contacts with civil society or other civilian actors. In contrast, in Frente Polisario's view, organizing a referendum on self-determination remains the central element of MINURSO's mandate, with ceasefire monitoring and other activities subordinated or instrumental to it. In fact, it is being understood that some aspects of the implementation of MINURSO's mandate remains subject to the agreement of the parties. In addition, the ability to perform all standard peacekeeping functions, including independent reporting on developments in and related to Western Sahara, remains key to an effective response to the Council's expectations and requests.

56. West of the berm, MINURSO's previous contacts with the regional offices of the Moroccan National Human Rights Council offices in Laayoune and Dakhla, sporadic contacts with local elected officials and tribal sheikhs and occasional travel by the Mission's political affairs officers to Smara and Dakhla for consultations with local authorities contributed to giving the Mission a broad and impartial situational understanding for the purpose of reporting to the Secretariat and the Security

Council. However, even these limited contacts have been restricted beginning in March 2016. A military liaison office in Dakhla was closed at Morocco's request in April 2016. Furthermore, the agreement in principle reached with the Government of Morocco in 2015 on the use of United Nations number plates on MINURSO's vehicles west of the berm has yet to be implemented, and the situation previously described continues (see S/2016/355, paragraph 49).

57. Safety considerations, including the ERW presence, bar the Mission's military observers from ground movements around Guerguerat. Mine clearance in the Buffer Strip is not foreseen in the relevant agreements with the parties, considerably limiting MINURSO military observers' ability to patrol and verify developments. These verifications have to be conducted drawing on the Mission's limited air assets. Furthermore, the team assigned to monitoring developments in Guerguerat had to be re-assigned from other team sites, further straining ceasefire monitoring operations elsewhere. Since the beginning of the crisis in Guerguerat, the parties have also raised an increased number of allegations, requiring MINURSO's military observers to conduct verification in each instance.

58. In a letter dated 13 November 2016, the Secretary-General of Frente Polisario, Brahim Ghali complained about Morocco's continued practice of affixing stamps on MINURSO staff's passports in Western Sahara and requiring UN vehicles to operate with Moroccan license plates. He made reference to the separate letters that the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel had sent to the Government of Morocco and to the Secretary-General of Frente Polisario, calling upon them to respect the status, privileges and immunities of MINURSO in this regard (see S/2016/355\*, paragraphs 35-37). Mr. Ghali warned that, unless the United Nations is able to ensure Morocco's compliance, Frente Polisario will not feel bound to adhere to them either. Potential measures may include imposing entry procedures east of the berm for MINURSO personnel (see S/2016/355, paragraph 35).

59. In view of the potential disruptive implications of such measures, MINURSO established a logistics hub in Tifariti and permanently redeployed medical staff from the Military Medical U77nit. This will enable MINURSO to ensure continuity of operations at team sites east of the berm for 90 days if movement disruptions occur. While necessary, this severely overstretched the mission's medical and logistical capacity. To address this, MINURSO reiterates its request for 11 additional paramedics and three additional doctors for the Military Medical Unit that Bangladesh provides.

## **V. Humanitarian activities and human rights**

### **A. Persons unaccounted for in the conflict**

60. The International Committee of the Red Cross continued to act as neutral intermediary between the parties to address and respond to the families of individuals who are still unaccounted for in relation to the past hostilities.

### **B. Assistance to the protection of Western Saharan refugees**

61. The Office of the United Nations High Commissioner for Refugees (UNHCR) continued to provide international protection to Western Saharan refugees living in the five camps near Tindouf, Algeria, and, together with its partners, delivered life-saving assistance and livelihoods activities targeting particularly youth. This included multi-sector activities in the areas of protection, shelter, water and sanitation, health, nutrition, education, provision of non-food items and livelihoods. Pending the registration of refugees in the camps near Tindouf, consideration of which the Security Council reiterated in Resolution 2285 (2016), the humanitarian assistance provided by UNHCR and the World Food Programme (WFP) continued to be based on a planning figure of 90,000 vulnerable refugees, with WFP providing an additional 35,000 food rations to persons with poor nutritional status, for a total of 125,000 monthly food rations.

62. Following the inter-agency emergency response to the October 2015 flood crisis, UNHCR shifted to the second phase of the response, namely providing shelter materials to rebuild damaged or destroyed homes, constructing homes for persons with specific needs, and rehabilitating and constructing schools. Due to insufficient funding, shelter rehabilitation activities could only target the 2,000 most vulnerable families out of 17,841 affected families.

63. Operations continued to be affected by underfunding despite high-level efforts to mobilise additional assistance. Following my predecessor's visit in March 2016, he called for increased attention and funding for the refugees from Western Sahara and for a meeting of donors to be held in Geneva. UNHCR-led donor briefings were held in September and November 2016, in Algiers and Geneva, respectively. A joint appeal requesting \$135 million for humanitarian needs in 2016 and 2017 followed. As of the end of 2016, UNHCR had received funding for only 34 per cent of its annual requirements (\$29 million).

64. WFP's food basket fluctuated due to shortages in commodities; minimum requirements were therefore not met in several months. UNHCR and WFP conducted a joint nutrition and food security survey in the five camps, which indicated that rates of anaemia in women and children have significantly increased, and malnutrition in pregnant and lactating women are becoming a concern. UNHCR has been working, together with relevant service providers, on cases of sexual and gender-based violence to ensure that referral mechanisms and legal, medical and psychosocial support are available. A women's centre has been constructed to address individual cases with specific protection needs.

65. Meanwhile, UNCHR pursues its multi-year livelihoods strategy, particularly focussing on youth empowerment.

### **C. Confidence-building measures**

66. The Confidence-Building Measures (CBM) programmes stipulated in the 2012 Plan of Action has remained suspended since June 2014. While continuing its dialogue with the parties, UNHCR remains ready to facilitate the prompt resumption of the programme. With 12,114 registered individuals waiting to benefit from family visits, UNHCR remains committed to the programme's mandate and principles.

### **D. Human rights**

67. Missions from the Office of the United Nations High Commissioner for Human Rights (OHCHR) last visited Laayoune and Dakhla from 2 to 18 April 2015, and Tindouf (Algeria), from 29 July to 4 August 2015. OHCHR has engaged with relevant interlocutors to conduct a follow-up mission to Western Sahara after the formation of the new Government of the Kingdom of Morocco. In 2016, OHCHR had thus to rely on reports from various stakeholders, including the Government of Morocco, the Frente Polisario, human rights non-governmental organizations and international human rights mechanisms.

68. The Special Procedures of the Human Rights Council did not visit Western Sahara during the reporting period. The Government of Morocco has maintained its request that a follow-up visit to Western Sahara by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, originally scheduled for April 2015, be delayed.

69. In its concluding observations adopted on 2 November 2016, the United Nations Human Rights Committee welcomed Morocco's efforts to combat torture and ill-treatment and noted a marked reduction in such practices since the issuance of its previous concluding observations (CCPR/CO/82/MAR) in 2016. The Committee nonetheless expressed concern about continued reports of torture and cruel, inhuman or degrading treatment perpetrated by agents of the State in Morocco and Western Sahara, particularly in the case of individuals suspected of terrorism or endangering State security or posing a threat to "the territorial integrity of the State", which Morocco defines to include Western Sahara.

70. According to various sources, the lack of accountability for these and other human rights violations against Western Saharans, well as the persistent lack of investigation into allegations of violations, were major concerns during the reporting period. As of 27 February 2017, despite ongoing discussions, the Government of the Kingdom of Morocco had not established or designated a national preventive mechanism for inspecting places of detention as envisaged by the Optional Protocol to the Convention against Torture. On 22 February 2017, the United Nations Subcommittee on the Prevention of Torture announced that it intends to visit Morocco in 2017.

71. Several Western Saharan human rights groups continued to experience difficulties in carrying out their activities, as the Government of Morocco continued to reject their registration and, therefore, their legal recognition. In this respect, the Moroccan National Human Rights Council received at least 10 complaints from local organizations.

72. Similarly, the Moroccan authorities' alleged harassment of Western Saharan human rights defenders remains of serious concern. Restrictions were reportedly imposed on some human rights defenders wanting to enter and leave Western Sahara west of the berm, thereby limiting their freedom of movement. According to local and international sources, Moroccan authorities allegedly restricted access to Western Sahara for foreign visitors, including journalists and human rights defenders. The Government of Morocco confirmed to OHCHR that some 187 foreigners were forcibly expelled from "southern provinces," reportedly for failing to abide by immigration rules or for "undermining national security".

73. Although it remained difficult to obtain independent confirmation of the fact, various credible sources reported that the Moroccan authorities continued to routinely prevent or disperse gatherings in Western Sahara west of the berm. In several instances, protesters and activists were allegedly subjected to arbitrary arrests, unfair trials and imprisonment on ostensibly trumped up charges. In a note verbale to OHCHR dated 17 February 2017, the Government of Morocco indicated that 776 protests were organized in “southern provinces,” including 343 in Laayoune and confirmed that 66 were dispersed in 2016 for non-respect of the law.

74. In July 2016, the Moroccan Court of Cassation ordered the full retrial of 23 Western Saharan co-defendants in connection with the Gdeim Izik case, including 21 prisoners who were sentenced to life in prison by a military court<sup>1</sup>. The first retrial session started in December 2016 but was adjourned until 31 January 2017. The last trial session took place on 13 March 2017. In a letter dated 12 March, the Secretary-General of the Polisario called for the release of these prisoners and of all Western Saharans imprisoned for expressing their political views. In a letter sent on 26 March, the Moroccan Minister of Foreign Affairs and Cooperation rejected the misrepresentations that “the other parties” were advancing on this case.

75. Western Saharans continue to face alleged discrimination in the practice of their economic, social and cultural rights. In its concluding observations cited above, the United Nations Human Rights Committee also expressed its preoccupation over the limited progress made regarding the self-determination of the people of Western Sahara and the failure to adopt the measures necessary to consult the people of Western Sahara on the exploitation of their natural resources.

76. During the period under review, Frente Polisario continued to express its readiness to cooperate with United Nations human rights mechanisms. The few human rights groups that exist in the refugee camps continued to operate freely, without any reported impediments.

## **VI. African Union**

77. During the reporting period, Morocco did not permit the observer delegation of the African Union (AU), led by Ambassador Yilma Tadesse (Ethiopia), to return to Laayoune and resume its collaboration with MINURSO.

78. In the meanwhile, the 28th Ordinary Session of the AU’s Assembly, held in Addis Ababa from 30 to 31 January 2017, accepted Morocco’s application for membership as the 55th Member State following its ratification of the Constitutive Act of the AU. The AU expressed the hope that Morocco’s membership will facilitate the speedy resolution of the dispute over Western Sahara in a manner consistent with the purposes and principles of the Charter of the UN.

## **VII. Financial aspects**

79. The General Assembly, by its resolution 70/283, appropriated the amount of \$55.4 million for the maintenance of MINURSO for the period from 1 July 2016 to

---

<sup>1</sup> S/2013/220, paras. 14 and 81-82; S/2014/258, para. 81; and S/2015/246, para. 57.

30 June 2017. My proposed budget in the amount of \$55.3 million for the maintenance of the Mission for the period from 1 July 2017 to 30 June 2018 (A/71/760) has been submitted to the Assembly for consideration during the second part of its resumed seventy-first session. It should be noted that proposed requirements are based upon the prevailing mandate and scope of the Mission and reflect critical security and resilience needs.

## **VIII. Observations and recommendations**

80. The conflict over Western Sahara's future status must come to an end as soon as possible to enable the region to confront security threats, economic challenges, and human suffering in a coordinated and cooperative manner. The United Nations' efforts, including those of my Personal Envoy, MINURSO, and the agencies present remain highly relevant.

81. In a series of resolutions beginning in 2007, the Security Council has directed the Secretary-General to facilitate direct negotiations between the parties to reach "a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara". Over the years, the Council has provided ample guidance that the negotiations are to occur without preconditions, in good faith, considering the efforts made since 2006 and subsequent developments and working with realism and a spirit of compromise. The parties are to show political will and work in an atmosphere propitious for dialogue, to enter into a more intensive and substantive phase of negotiations and to discuss each other's proposals in preparation for a fifth round of formal negotiations. The Council has also called on the parties and neighbouring states to cooperate more fully with the United Nations and with each other to achieve progress and has invited Member States to lend appropriate assistance.

82. Despite the achievements of two successive Personal Envoys in providing the necessary facilitative framework, the parties have not taken advantage of this framework to engage in a cooperative search for a solution in accordance with the Security Council's guidance. The fundamental difficulty is that each party has a different vision and reading of the history and documents that surround this conflict. Morocco insists that Western Sahara is already part of Morocco, that the sole basis for negotiations is its initiative for autonomy under Moroccan sovereignty and that Algeria must be a party to those negotiations. Frente Polisario insists that, since the General Assembly identifies Western Sahara as a non-self-governing territory, its autochthonous population must decide its future in a referendum with independence as an option, that all proposals and ideas the parties put forward should be on the table and that the only parties to the negotiation are Frente Polisario and Morocco.

83. On the basis of consultations with the parties and neighbouring states, members of the Group of Friends on Western Sahara and the Security Council, and other important stakeholders, I intend to propose that the negotiating process be relaunched with a new dynamic and a new spirit that reflect the Council's guidance, with the aim of reaching a mutually acceptable political solution that includes resolution of the dispute over the ultimate status of Western Sahara, including through agreement on the nature and form of the exercise of self-determination. For progress to be made, the negotiations must be open to both parties' proposals and

ideas. Algeria and Mauritania, as neighbouring countries, can and should make important contributions to this process.

84. Each of those whom I will be consulting has a role to play in increasing the chances of success. If the current framework of negotiations is to achieve results on the basis of the Council's existing guidance, difficult decisions will be required of the parties, their supporters, and the Council itself. If these are not forthcoming, the appropriate conclusions will have to be drawn.

85. In exercising its mandate as outlined in paragraph 54 above, MINURSO makes an important contribution to promoting the stable and peaceful environment needed to create the necessary minimal conditions for the resumption of negotiations in the context of my efforts and those of my Personal Envoy. It also retains an important role in keeping the Secretariat and the Security Council informed on developments in and surrounding Western Sahara. These include developments related to the ceasefire, as well as political and security conditions in its area of operation that have a direct bearing on the negotiating process. I therefore recommend that the Council extend the mandate of MINURSO for a further 12 months, until 30 April 2018.

86. The requirements of MINURSO's reporting functions are predicated on its ability to perform the full range of standard peacekeeping functions without hindrance, so as to reach an independent and unbiased assessment of the situation on the ground and its potential impact on peace and stability in Western Sahara. I call on the Security Council to use its good offices to support MINURSO's efforts in this respect.

87. While reviews were conducted to align MINURSO's resources to recent developments in its operational environment, its staffing levels need to be adequate to the tasks facing it and to the Security Council's expectations. In this regard, the implementation of Morocco's decision communicated on 4 and 5 April to allow all MINURSO staff member to return will enable a return to full functionality. I am grateful to Security Council members for their support and efforts to restore the Mission's full functionality. I also ask the Council to support MINURSO's request to increase the medical unit that Bangladesh provides by three medical and 11 paramedical staff.

88. I welcome Morocco's positive response to my call for both parties to withdraw from the Buffer Strip in Guerguerat, and remain deeply concerned by the continued presence of Frente Polisario armed elements and by the challenges this poses to the *raison d'être* of the Buffer Strip, including the expectation that it would create a zone free from direct presence of the parties to the conflict or direct contact between them. Recognising that the current situation risks a breakdown of the ceasefire regime, I ask the Security Council to urge Frente Polisario also to withdraw from the Buffer Strip in Guerguerat fully and unconditionally. I welcome the parties' continued assurances of their intention to avoid all acts that could lead to a resumption of hostilities, but note that the risk of an incident or accident remains high. The possible consequences of this would have a dangerous impact on security and stability throughout the region.

89. The crisis in Guerguerat raises fundamental questions related to the ceasefire agreement and Military Agreement No.1, which although used as the primary tool in MINURSO's ceasefire monitoring activities, only binds the parties' respective military forces and contains no provisions related to civilian activities. These,

however, may be assessed to be contrary to the spirit of the 1991 ceasefire or acts that may lead to a resumption of hostilities.

90. The security situation in Western Sahara, especially east of the berm, poses a tangible threat to United Nations personnel and assets. Under these circumstances, I urge the Security Council to support MINURSO's efforts to secure the required means to protect its staff, military observers and facilities in Western Sahara. Increased threats to ground movements and the need to monitor the situation in Guerguerat have considerably increased the Mission's aviation resource needs, thus requiring an additional aviation asset. The Mission therefore needs to review how it meets the mandate requirements in a safe, secure and effective manner. Static security measures at team sites also urgently need upgrading.

91. I note with great concern the chronic lack of funding for the refugee programme and the deteriorating humanitarian situation, which is precarious indeed, especially as needs increase while funding diminishes. Overall, barely half of the humanitarian requirements by the relevant agencies were funded in 2016. Humanitarian needs are expected to increase to approximately \$75 million in 2017. I therefore call on the international community to increase funding to this vital humanitarian programme, and appeal to new donors to support life-saving assistance.

92. I urge the parties to respect and promote human rights, including by addressing gaps and enhancing cooperation with the Office of the United Nations High Commissioner for Human Rights and the United Nations human rights mechanisms, including by further facilitating OHCHR follow up visits. Independent, impartial, comprehensive and sustained monitoring of the human rights situation throughout Western Sahara and in the refugee camps is required in order to ensure the protection of all Western Saharans.

93. In conclusion, I wish to extend my sincere thanks to my Personal Envoy for Western Sahara, Christopher Ross, for his engagement with the parties and neighbouring States. Similarly, I am very grateful to my Special Representative in Western Sahara and head of MINURSO, Kim Bolduc, Major General Wang Xiaojun, as well as his predecessor, Major General Muhammad Tayyab Azam, for their dedicated leadership of MINURSO. These committed international officials have my appreciation for the work they have been carrying out in the most difficult of circumstances.

## Annex

### United Nations Mission for the Referendum in Western Sahara

#### Contributions as at 22 March 2017

<i>Country</i>	<i>Military observers<sup>a</sup></i>	<i>Troops<sup>a</sup></i>	<i>Civilian police<sup>b</sup></i>	<i>Total</i>
Argentina	3	0	0	3
Austria	5	0	0	5
Bangladesh	8	20	0	28
Brazil	8	0	0	8
Bhutan	2	0	0	2
China	12	0	0	12
Croatia	7	0	0	7
Djibouti	1	0	0	1
Egypt	21	0	0	21
El Salvador	3	0	0	3
Finland	0	0	1	1
France	2	0	0	2
Germany	3	0	0	3
Ghana	8	7	0	15
Guinea	5	0	0	5
Honduras	12	0	0	12
Hungary	7	0	0	7
India	3	0	0	3
Indonesia	5	0	0	5
Ireland	3	0	0	3
Kazakhstan	4	0	0	4
Malawi	3	0	0	3
Malaysia	10	0	0	10
Mexico	4	0	0	4
Mongolia	4	0	0	4
Montenegro	2	0	0	2
Nepal	6	0	0	6
Nigeria	7	0	0	7
Pakistan	14	0	0	14
Poland	1	0	0	1
Portugal	0	0	1	1
Republic of Korea	4	0	0	4
Russia	16	0	0	16
Sri Lanka	3	0	0	3
Switzerland	2	0	0	2

<i>Country</i>	<i>Military observers<sup>a</sup></i>	<i>Troops<sup>a</sup></i>	<i>Civilian police<sup>b</sup></i>	<i>Total</i>
Togo	1	0	0	<b>1</b>
Yemen	8	0	0	<b>8</b>
<b>Total</b>	207	27	<b>2</b>	<b>236</b>

<sup>a</sup> Authorized strength is 246, including the Force Commander.

<sup>b</sup> Authorized strength is 12.

<sup>c</sup> Actual strength on the ground, for military and civilian police, including the Force Commander.

