

First 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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I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1979 (2011) of 27 April 2011, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2012, and requested a report on the situation in Western Sahara before the end of the mandate period. The present report covers developments since the issuance of my report dated 1 April 2011 (S/2011/249), 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 1979 (2011).

II. Recent Developments in Western Sahara

2. The reporting period was marked by a number of significant developments in or related to the Territory. Within the Territory, largely peaceful demonstrations of up to 200 Western Saharan protestors took place periodically in Laayoune and other major towns, variously seeking self-determination for the Territory, the release of political prisoners, and/or employment and social welfare benefits. As the year progressed, the frequency of demonstrations decreased once local authorities reportedly addressed some of these grievances. In January 2012, there was a temporary spike in demonstrations as the trial of Western Saharans arrested after the Gdim Izik violence (S/2011/249, paras 8, 91) approached, and in reaction to steps by Spain and Morocco to introduce a new European Union accord with Morocco on fishing and agriculture.

3. Fatal violence, however, erupted in the coastal city of Dakhla on 25 September. The parties gave conflicting accounts of the events. Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) contended that one Western Saharan was killed and more than 100 others arrested, as Moroccan settlers, backed by Moroccan security forces, attacked a peaceful Western Saharan demonstration, protesting the killing of one of their own following a soccer match between a mixed local team and a Moroccan team. In letters addressed to me dated 27 September and 3 October, Frente Polisario leader Abdelaziz called for protection of the Western Saharans and the release of those allegedly arrested by Moroccan security forces after the incident.

4. In contrast, the Moroccan Interior Minister said in a statement delivered on 30 September that seven people, including two police officers, and three civilians run over by a vehicle driven by known criminals, had been killed in the Dakhla clashes. The Government reported that it was treating the incident as hooliganism, though other motives were not precluded, among them community tensions, disputes over the distribution of Government assistance and subsidies, and employment competition in the rapidly developing local economy of the city.

5. As tensions mounted, my Special Representative visited Dakhla from 25 – 27 September, and met with a range of officials and tribal leaders. Subsequently, the Mission deployed a

political affairs officer to the area temporarily in November to assess the situation after the incident.

6. King Mohammed VI appointed a consultative commission to draft a new constitution for Morocco, which was endorsed by a public referendum on 1 July. The text contains provisions related to “regionalization” for the provinces, including Western Sahara, and to the Moroccan autonomy plan for Western Sahara. The referendum was followed by legislative elections on 25 November and the formation of a new government headed by Prime Minister Abdelilah Benkirane. Both polls were also held in the Territory west of the berm, though their legality has not been determined. As it had in relation to the 2007 Moroccan parliamentary elections held in the Territory (S/2007/619, para. 3), Frente Polisario condemned the inclusion of Western Sahara in the ballots, which were nonetheless conducted in peaceful conditions. In addition to the referendum and the elections, Morocco celebrated the 12th anniversary of the King’s enthronement in July, and the 36th anniversary of the “Green March” in November. On both occasions, the King spoke in favor of regionalization and the autonomy plan for Western Sahara and pledged to work for the return of the refugees in Tindouf. He reiterated Morocco’s readiness to achieve a solution to the conflict within the framework of the Kingdom’s national unity and territorial integrity.

7. Frente Polisario held its 13th General People’s Congress in December 2011, followed by the formation of a new government and, in mid-February, “Saharan Arab Democratic Republic” legislative elections. Frente Polisario leader Mohamed Abdelaziz was re-elected as head of the movement. The Congress approved a number of structural governance changes to expand participation, and representatives from the part of the Territory controlled by Morocco participated for the first time since the 1991 Congress. Frente Polisario leaders maintained the requirement for a referendum on self-determination and independence for Western Sahara throughout the proceedings. Participants, particularly the younger generation, called for the adoption of further reforms, including new approaches to change the status-quo. Youth groups also demonstrated in Tindouf in late 2011 and March 2012, calling on Frente Polisario leader Abdelaziz for party reforms. Prior to the Congress, the Frente Polisario National Secretariat convened in August to discuss a range of organizational, policy and regional matters. During the period, Frente Polisario also commemorated the 36th anniversaries of the “National Unity” declaration and of the “Saharan Arab Democratic Republic”, as well as the first anniversary of the Gdim Izik camp events.

8. The European Parliament rejected on 14 December the extension of the 2007 Fisheries Partnership Agreement with Morocco. The Agreement had been extended on 13 July, with a new clause requiring Morocco to provide proof that Western Sahara benefited from the fishing proceeds. The comments of the Rapporteur of the Parliament’s Committee on Fisheries indicated that there were disputed legal issues with regards to Western Sahara. In the case of this Agreement, the issue at hand concerned whether or not the Agreement directly benefited the Western Saharan people. The Opinion of the European Parliament’s Committee on Development cited similar concerns, and referred to the 2002 advisory opinion of the United Nations Legal Counsel (S/2002/161) in suggesting that any exploration or exploitation activities in Western Sahara could only proceed if they were to the benefit of, and according to, the wishes of the people of Western Sahara. In February 2012, the European Parliament gave its consent to

concluding an agreement concerning reciprocal liberalisation measures on agricultural and fishery products and adopted a related resolution, which called for the European Commission to ensure that the agreement was fully consistent with international law and benefited all the local population groups affected. Frente Polisario leader Abdelaziz condemned the agreement in his 25 February letter to me, further to his previous letters urging exclusion of Western Saharan waters from the accord.

III. Activities of my Personal Envoy

9. The period under review witnessed developments in the region related to the emergence of the “Arab Spring.” Triggered by unrest linked to unemployment, poverty, and corruption, the movement expanded into wider claims for respect for human rights and the rule of law. Within this context, the parties to the Western Sahara conflict, as well as the neighboring states, experienced important political developments of their own, with potential but uncertain effects on the negotiating process.

10. By the end of the three rounds of informal talks held between March 2011 and March 2012, the parties had reaffirmed their strong commitment to the negotiating process, agreed to continue discussing specific subjects of mutual interest such as natural resources and demining, and taken steps to implement prior agreements on Confidence Building Measures and to explore new ones. However, on the core issues of the future status of Western Sahara and the means by which the self-determination of the people of Western Sahara is to occur, no progress was registered. The parties continued to maintain what my Personal Envoy had previously characterized as “unyielding adherence to mutually exclusive positions.” In short, they continued to demonstrate the political will to meet at regular intervals and to engage on subsidiary issues, but have yet to demonstrate the political will to break the stalemate.

A. Seventh round of informal talks

11. From 5 - 7 June 2011, the parties met for a seventh round of informal talks at the Greentree Estate on Long Island, New York. The purpose of the meeting was to review and exchange views on the guidance provided in Security Council Resolution 1979 of April 2011, to encourage the parties to deepen their discussion of their respective proposals, to expand their exploration of innovative approaches and discrete topics for discussion, and to examine the ideas put forth in paragraph 120 of my report of 1 April 2011 (S/2011/249).

12. As in previous informal meetings, the parties again discussed their two proposals, but it was once again clear that neither party was prepared to accept the proposal of the other. However, for the first time, the parties engaged in exchanges on the mechanism for self-determination of the Western Saharan people. They also began discussing demining and requested the assistance of the United Nations Secretariat in proposing a framework for reflection for future exchanges on natural resources.

13. While both parties emphasized their full commitment to the search for a solution, it became clear that a lack of trust continues to haunt the negotiating process and that each party harbours deep suspicions of the other. The Moroccan delegation has expressed concern that Frente Polisario was attempting to steer the talks back to the last peace plan put forth by former Personal Envoy James Baker instead of embracing Morocco’s autonomy proposal. The Frente

Polisario delegation has voiced concern that Morocco was exploiting the pursuit of innovative approaches and discrete subjects for discussion to divert the talks from the examination of the two proposals put forth in April 2007 and to present the international community with the appearance of progress.

B. Eighth round of informal talks

14. The parties held an eighth round of informal talks from 19 - 21 July 2011, also at the Greentree Estate, to examine their two proposals yet again and to take up discussion of one or more of the innovative approaches or discrete subjects previously agreed. There was no breakthrough in substance, since the parties maintained their respective positions. However, agreement was reached on holding an expert-level meeting on natural resources in Geneva and to begin building a common data base of what exists and how it is being exploited.

15. During the eighth informal meeting, Morocco indicated that, because of its upcoming elections and the resulting formation of a new government, it would not be able to attend another round of talks or receive my Personal Envoy until January 2012. Frente Polisario indicated its readiness to meet later in 2011 but was unavailable either in December or most of January 2012 because it was holding its annual Congress and internal elections. My Personal Envoy therefore proposed a new round of talks for 11 - 13 February 2012. Competing demands on the heads of delegation of both parties and the neighboring states required a further postponement. After consultations with all concerned, a new round of informal talks was scheduled for 11 - 13 March 2012 at the Greentree Estate (paras. 22 - 25).

C. Visit to the capitals of the Group of Friends

16. During the hiatus between the informal meetings, my Personal Envoy visited the capitals of the Group of Friends and held several bilateral meetings with the parties and neighboring states. From 3 - 8 November 2011, he visited the capitals of three members of the Group of Friends of Western Sahara -- Madrid, Paris and Moscow, having earlier consulted with senior officials in Washington on 14 October 2011. He visited London on 15 December 2011 to complete the tour of capitals. These meetings were useful, reflecting strong support of the efforts of the United Nations, continued commitment to the framework of direct negotiations set forth in successive Security Council resolutions, and a fresh interest in moving beyond the status quo to find a solution.

17. In the course of his meetings, my Personal Envoy sought the support of the Group of Friends for two ideas on which he had briefed the Council on 26 October 2011: consultations with and dialogue among a cross-section of Western Saharans and consultations with a group of Maghreb "wise men" on Western Sahara. He explained that the purpose in both cases was not to replace the negotiators but to encourage discussion, new ideas, and even proposals that could be put to the negotiators for their consideration. It was a way of broadening the thinking on the future status of Western Sahara and generating new ideas that might help the parties overcome their inability to move beyond their mutually exclusive positions. While the members of the Group of Friends expressed broad support for these two initiatives, both Morocco and Frente Polisario subsequently expressed reservations. My Personal Envoy has not abandoned these two initiatives and plans to discuss them further with the parties.

18. In the capital of each member state of the Group of Friends, my Personal Envoy also underlined that it was vital for the United Nations and the international community as a whole to have access to reliable, independent information on developments in both Western Sahara and the refugee camps as they consider how best to promote a settlement. This could be achieved through expanded reporting by MINURSO and more frequent visits to both Western Sahara and the refugee camps by diplomats, journalists, and others. There was broad agreement that more and better independent information is needed and that, as regards MINURSO, its personnel should enjoy full freedom of movement and outreach in Western Sahara and the camps and have the ability to carry out transparent reporting on significant developments, as in other peacekeeping operations around the world.

D. Meeting on Natural Resources

19. From 8 - 11 November 2011, my Personal Envoy visited Geneva to meet with United Nations agencies and to co-chair an expert-level meeting of the parties on natural resources in Western Sahara at the Palais des Nations, as agreed during the eighth round of informal talks. He made it clear throughout the meeting that the discussion was merely technical and that the issue of the final status of Western Sahara should be put aside. However, the parties engaged in heated discussions and mutual accusations of a political nature, with the result that exchanges on the technical issues were limited. That said, the Moroccan experts gave detailed presentations on the status of selected resources such as fisheries, water, and minerals, as well as environmental topics such as climate change and pollution, while the Frente Polisario expert described contracts, awarded to a variety of international companies for exploration of oil and mineral resources, that were contingent on a settlement of the Western Sahara conflict that led to independence.

20. The Moroccan delegation stated that Western Sahara had limited natural resources and required heavy infrastructure investments financed by the Moroccan State to ensure its viability, particularly with regards to water services. It also affirmed that the income obtained from such exploitation benefitted the local population and was sustainable. Frente Polisario strongly disagreed with both statements and stressed the illegality of the unsustainable exploitation of the resources of a non self- governing territory. It also called for United Nations verification missions to ensure the sustainable exploitation of Western Sahara's natural resources. While it was clear that the parties disagreed on the current state of natural resources and the environment in the Territory, they discussed possible next steps that could be taken on this topic during the next informal meeting, in order to attempt to build a commonly agreed database as a basis for further discussion.

E. Geneva meeting on Confidence Building Measures

21. As agreed at the third round of informal talks, delegations from the parties and neighbouring States met with UNHCR representatives in the presence of my Personal Envoy and my Special Representative in Geneva on 24 – 25 January 2012 (paras. 64-70).

F. Ninth round of informal talks

22. On 11-13 March 2012, a ninth round of informal talks was held at the Greentree Estate. The parties discussed and disagreed sharply on the purpose of the negotiating process. Morocco

argued that the process was meant to negotiate the details of its autonomy proposal in preparation for a referendum of confirmation. Frente Polisario countered that it was meant to open the door to all possibilities in preparation for a referendum with multiple options. Each side continued to reject the other's proposal as the basis for negotiation. [text was deleted here]

23. Two previously agreed specific subjects were discussed. On demining, the parties named focal points for further coordination and cooperation with United Nations Mine Action Service (UNMAS). On natural resources and environment, they confirmed their intention to provide the United Nations not only with focal points, but also with all available information. This will permit UNEP experts to begin building a data base as a foundation for future discussion of the state of the environment and natural resources, including an examination of the legal aspects of current exploitation.

24. On confidence building measures, the parties and neighbouring states welcomed UNHCR's plans to lease a larger aircraft for family visits by air (para. 67), thus greatly increasing the number of beneficiaries, as well as its intention to explore the possibility of arranging access to Internet cafés for separated families. They also agreed to work with UNHCR to hold two inter-Saharan cultural seminars, provisionally in June and in October, focusing on the role of women and the significance of the tent (al-khaima) in Hassaniyya culture, respectively.

25. With regard to next steps, the parties and neighbouring states looked forward to the renewal of MINURSO's mandate, welcomed the intention of my Personal Envoy to travel to the region, including an extensive visit to Western Sahara in May, and agreed to hold the next two rounds of informal talks in June and July prior to the beginning of the Muslim month of fasting.

IV. Activities on the ground A. Military

26. As of 15 March 2012, the military component of MINURSO stands at 228 personnel, including the Force Commander, administrative personnel and medical unit officers, against the authorized strength of 231. The Mission currently has six female military observers, from Ghana, France, Mongolia, Nigeria and Uruguay. There are also three female personnel -- one doctor and two nurses -- with the medical unit of Bangladesh. I would welcome further deployments of female officers by troop-contributing countries, both for operational reasons and to improve the Mission's gender balance. During the period under review, the average monthly number of French-, Spanish- and Arabic-speaking military observers in the Mission was 20, 31 and 30 respectively, comparable to the previous period.

27. The military component remains deployed at nine team sites and at liaison offices in Tindouf (Algeria) and in Dakhla. From 16 March 2011 to 15 March 2012, MINURSO performed 8,335 ground patrols and 530 aerial patrols, including air reconnaissance, to visit and monitor units of the Royal Moroccan Army and the military forces of Frente Polisario for adherence to the military agreements.

28. MINURSO continued to maintain good relations and communications with the Royal Moroccan Army and with the Frente Polisario, albeit with divergences of opinion between the Mission and each party regarding compliance with Military Agreement No. 1, particularly concerning the status of long-standing violations. Both sides continued to abstain from direct contact with each other; all known contact between the two armed forces takes the form of written communications through MINURSO.

29. MINURSO observed and recorded 25 new violations of the military agreement by the Royal Moroccan Army, compared to 126 recorded during the previous reporting period. These violations in the restricted area included the construction of new buildings, the deployment of heavier caliber artillery pieces replacing older equipment in the Smara and Mahbas subsectors, the construction of a global system for mobile communications (GSM) antenna tower, and the installation of a new mobile radar in Smara subsector, bringing the total to 47 mobile and fixed radar violations since 2005.

30. In regard to GSM antennae, in October 2011 the Royal Moroccan Army requested MINURSO authorization to build nine towers with associated shelters to deploy the antennae, eight inside the restricted area and one in the area of limited restrictions. MINURSO did not approve the eight requests for antennae inside the restricted area, which would constitute violations of the military agreement by virtue of the location and communications and tactical advantages GSM technology convey. The construction of one GSM tower within a Royal Moroccan Army compound inside the restricted area was confirmed as a violation by MINURSO in December 2011. The Royal Moroccan Army contested the violation confirmation by letter, indicating that the antenna installation was for civilian purposes outside the scope of military agreement No. 1.

31. The Royal Moroccan Army also constructed four new stone walls, continued to extend the existing six stone walls, and increased the lengths of the two trenches in Bir Gandouz area in contravention of military agreement No. 1.

32. During the period, MINURSO monitored the 314 Royal Moroccan Army observation posts considered, since 2009, as a temporary deployment line 15 kilometers west of the berm (S/2009/200, para. 21). Solid shelters have now replaced tent accommodation in 251 of the observation posts, to shield the troops from weather conditions. MINURSO continued its efforts to resolve these issues in compliance with military agreement No. 1.

33. MINURSO observed and recorded seven new violations by the military forces of Frente Polisario compared to 12 recorded in the previous reporting period. These violations were primarily related to Frente Polisario military personnel and equipment entering or traveling through the buffer strip.

34. Long-standing violations committed by the Royal Moroccan Army rose from eight during the last reporting period to nine, with the replacement of 130mm by 155mm artillery pieces in subsector Houza in November 2011, for a total of 59 long-standing violations. The total of long-standing violations committed by Frente Polisario decreased from four to three, with the withdrawal of an anti-aircraft artillery gun from one of its observation posts in the restricted area. My Special Representative and the MINURSO Force Commander held several meetings with the senior military officials of each side to clarify the ceasefire requirements and urge the parties' strict compliance with the provisions of military agreement No. 1. While both parties have suggested that the agreement should be revised, their intended adjustments are mutually exclusive. Frente Polisario maintains that closer monitoring of all aspects of Moroccan activity west of the berm is required in order to uphold the ceasefire and agreement provisions. For its part, the Royal Moroccan Army holds that its violations of the agreement, primarily in the form of new constructions in the restricted area, are preventative safety and security responses to evolving regional security threats. It also maintains that the civilian purpose and construction of

the GSM facility (para. 30) excludes MINURSO oversight despite the restricted area location.

35. In this vein, the Permanent Representative of Morocco wrote to me or to the Under-Secretary-General of the Department of Peacekeeping Operations on three occasions to contest Royal Moroccan Army violations of the military agreement reported by MINURSO, indicating that the actions were either not violations or were justified by the need to secure the southern area against illegal activities and security challenges in the region. The Mission continues to work with both parties towards agreed, identical amendments of the agreement, though the distance between their positions has not decreased.

36. The increase in restrictions on the freedom of movement of MINURSO military observers cited in my last report was reversed during the period. A single freedom of movement violation was committed by the Royal Moroccan Army on 5 May 2011, when MINURSO was prevented from visiting a company headquarters in subsector Bin Gandouz; no movement restrictions were imposed by Frente Polisario.

37. MINURSO received 14 allegations of violations of military agreement No. 1 from the Royal Moroccan Army concerning claimed Frente Polisario incursions in the buffer strip. Frente Polisario submitted three allegations of violations concerning claimed Royal Moroccan Army helicopter overflights and berm repositioning. After MINURSO investigation, the allegations were either not confirmed or could not be confirmed due to lack of evidence.

38. MINURSO received and reviewed 251 requests from the Royal Moroccan Army regarding construction or maintenance of buildings and facilities inside the restricted area, and the destruction of mines and explosive remnants of war. Ninety-one requests concerned new constructions of buildings inside existing compounds, 85 were for time extensions for the completion of works already approved, 29 for maintenance activities and 46 for destruction of ammunitions. Of those requests, MINURSO approved 245 and rejected six. MINURSO received and approved one Frente Polisario request regarding construction of a guard post near a team site.

39. MINURSO received 225 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 12 notifications from 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.

40. MINURSO, within its capabilities, provided medical support for the UNHCR programme on confidence-building measures, and emergency medical services, including casualty evacuation, to the local population on a humanitarian basis. One such evacuation was carried out during the reporting period east of the berm.

41. Helicopter operations continue to be a most effective method of monitoring the parties' compliance with military agreement No. 1, covering large areas of ground in a short time. Due to budget cutbacks for the 2011-2012 budget period, the Mission's helicopter fleet was reduced from three to two, which had a detrimental effect. Helicopter reconnaissance patrols were reduced and overall air patrols have been reduced by approximately 25%.

42. With the increase in monitoring requirements related to the growth in military infrastructure west of the berm, the MINURSO military component needs to be strengthened.

Military observers on the west side visit 570 units and monitor 29 training areas, 314 observation posts along a second deployment line west of the berm, and the several long-standing stone wall and trench violations in 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 in the area. It is assessed that an additional 15 military observers are necessary to address the increase in monitoring requirements.

B. Substantive Civilian

43. My Special Representative, Hany Abdel-Aziz, continued to maintain regular contacts with the parties to discuss MINURSO mandate implementation and Mission operational matters and to employ his good offices function to promote resolution of technical issues between them. Recurring meetings were held with the Moroccan and with the Frente Polisario authorities, and with the diplomatic community in Rabat and Algiers.

44. MINURSO political affairs and public information officers continued to monitor and report on developments in the Territory and the region, supported my Special Representative's good offices and liaison activities with the parties, regional officials and diplomatic corps, and through that reporting, assisted in keeping the Personal Envoy informed of developments in and related to the Territory. The Mission's political office maintained constructive relations with the respective Moroccan and Frente Polisario Coordinators for MINURSO and relevant authorities, as envisioned under the political office functions contained in resolution 1056 (1996), and briefed and periodically accompanied organizational, foreign and media visitors to the Territory. Opportunities to facilitate any other effort that could help set the parties on a course towards an agreed formula for the resolution of their differences were limited; the office thus focused its efforts on local developments and situational analysis drawing on open source information.

45. To the extent possible, the substantive civilian staff observed the various and largely peaceful demonstrations and protests in the Territory throughout the period. In the Tindouf area, the MINURSO Liaison Office observed proceedings of the Frente Polisario Congress and the preceding youth protests calling for Polisario reforms. As indicated in para. 5, my Special Representative and a political affairs officer deployed to Dakhla separately in the aftermath of the September 2011 clashes to calm and assess community tensions. The Moroccan authorities objected to MINURSO involvement, indicating that the Mission had strayed beyond its mandate. The Mission was also advised that no MINURSO office presence could be established outside Laayoune.

46. Below the level of the Special Representative, all civilian meetings are requested of and approved by the Moroccan and Frente Polisario Special Coordinators for MINURSO. While freedom of movement is unhindered west of the berm, MINURSO civilian personnel movements there are closely monitored with the consequent chilling effect on interaction with the full spectrum of local interlocutors. In parallel, the Moroccan police surveillance outside the compound discourages visitors from approaching MINURSO in an independent capacity; Mission staff who have received such visitors have been taken to task by Moroccan authorities. East of the berm, the Territory is sparsely populated; relations between Mission personnel and the civilian population are unrestricted but infrequent. For interactions with Frente Polisario

officials in the Tindouf area, the practice has evolved to seek assistance with arrangements from the Frente Polisario Coordinator. In visits to the refugee camps, Algerian gendarmerie provide escort to MINURSO civilian personnel mid-way from the airport to the camps. After the 23 October 2011 abduction of three humanitarian workers from the Tindouf area (para. 51), Frente Polisario additionally provides escort from the mid-point to the camps.

C. Mine Action

47. The widespread contamination from landmines and explosive remnants of war throughout Western Sahara continues to pose threats to the local population, and to MINURSO military observers and logistics teams. Since the August 2009 accident involving four military observers, the Mission has continued to take steps to ensure the safety of UN personnel, with enhancement of the Mission's Mine Action Coordination Centre as a key element.

48. One fatal accident occurred east of the berm, with the death of a local explosive ordnance expert in the course of his duties. Mine action activities east of the berm are supported by the Mission and the Voluntary Trust Fund for Assistance in Mine Action, and implemented by a partnership between the non-governmental organization, Action on Armed Violence, and the commercial contractor, Mechem. With trained Explosive Ordnance Disposal staff from the local population, the teams destroyed 8,260 items, including aircraft bombs, artillery projectiles, tank munitions, mortar bombs, and hand grenades in more than five hundred contaminated locations. Of the 229 areas known to have cluster munitions remnants, the teams cleared 209. Trading posts and vegetable farms were established along previously contaminated routes, and one school was built on land previously contaminated with cluster munitions. More than 300 square kilometers of known minefields remain to the east of the berm.

49. West of the berm, six accidents, leading to two fatalities and injuries to eight civilians and four military personnel were reported by the Royal Moroccan Army. West of the berm, the scope of contamination is not fully known. The Royal Moroccan Army reported the destruction of 9,026 mines and 461 unexploded ordnance during this reporting period alone.

50. In an effort to expand confidence building and technical cooperation, my Special Envoy requested the Acting Director of UNMAS to visit the region in July 2011. This mission was welcomed by both parties, and included constructive discussions on the implementation of International Mine Action Standards on both sides of the berm, the use of mechanical assets to accelerate clearance, stockpile destruction of anti-personnel mines east of the berm and the potential marking of the barrier minefield along it.

D. Safety and Security

51. The area of operation was not immune from the repercussions of instability elsewhere. Of grave concern, one Italian and two Spanish humanitarian workers engaged with aid groups working in the refugee camps were kidnapped from Rabouni, near Tindouf, western Algeria, on 23 October. They have not yet been released. Some sources indicated that "Movement for Unity and Jihad in West Africa", said to be an Al Qaeda in the Islamic Maghreb (AQIM) splinter group, has claimed responsibility.

52. Following the abductions, my Special Representative in Western Sahara led a delegation to Algiers and Tindouf of MINURSO security and military and UNHCR-Geneva representatives,

joined by the security experts from the United Nations Country Team in Algeria, for discussions with Government of Algeria officials and Algiers-based diplomats on the incident, as well as for an examination of security enhancements for United Nations and humanitarian personnel in the area. The delegation also visited the refugee camps in Rabouni, meeting with United Nations staff and Frente Polisario officials for the same purposes. MINURSO took immediate steps to ensure the safety of all personnel in both Tindouf and east of the berm, involving strengthened cooperation and security measures, movement restrictions, raising the security level in Tindouf and east of the berm, as well as operational adjustments and team site fortifications.

53. The abduction incident was the first of its kind since the Mission was established. Regional security instability poses a spillover risk to unarmed military observers operating in proximity to porous borders east of the berm, and is a matter of concern. In the aftermath of the incident and amid a reported increase in regional AQIM operations, criminal activities and weapons proliferation in the Sahel after the October 2011 fall of the Libyan regime, MINURSO reviewed security conditions and updated its security risk assessment for all team sites east of the berm, where military observers are posted in remote locations, isolated from Frente Polisario support units, and vulnerable to potential attack. In cooperation with Frente Polisario, the Mission took additional risk mitigation measures, including 24 hour-static security guards. It also improved team site fencing and lighting, siren and alarm installation, surveillance cameras and monitors, and satellite vehicle tracking systems.

E. Persons unaccounted for in the conflict

54. 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

55. The Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the World Health Organization (WHO), and the United Nations Children's Fund (UNICEF) continued to provide protection and assistance to the Western Saharan refugees in the camps near Tindouf, Algeria. These organizations worked with the European Commission Humanitarian Aid and Civil Protection (ECHO), the Spanish Agency for Cooperation and Development, and several international and local nongovernmental organizations (NGOs) to provide the assistance. UNHCR enhanced its protection presence and monitoring through its direct presence and interaction with refugees, constructing new field offices in all the camps to bring services closer to the refugees. It also supported legal establishments operating in the Tindouf camps and provided incentives and training to lawyers and judges.

56. During the reporting period, the main areas of support comprised food and water distribution, sanitation, education, transport and logistics, health, agriculture, shelter, protection, and community services. Pending an assessment of the beneficiaries, 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 45 general food basket distribution visits to different food distribution points in the camps each month, as determined by a joint needs assessment.

57. UNHCR and WFP, through their implementing partner, the Algerian Red Crescent, conducted a supplementary feeding program to moderately malnourished children under five years, and 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.

58. UNHCR also provided support to the nursing school, conducting training courses for nurses and midwives, and supplying products and teaching aids. UNHCR continued to support the Community-based Therapeutic Centre programme, and provided the Saharan health facilities with the needed consumables for the dental clinics and X-ray services as well as the required laboratory reagents/equipments, covering about 70% of their total needs. In order to increase awareness about sexually transmitted infections, UNHCR initiated a pilot project focusing on HIV/AIDS and hepatitis. UNICEF continued to implement the Expanded Program on Immunization, including capacity building and cold chain maintenance to protect children.

59. UNHCR support to a number of vocational centres for women, youth and persons with disabilities also continued during the period, as well as inauguration of an income-generating agricultural project involving small-scale manufacturing of sweets in the Dakhla camp.

60. UNHCR rehabilitated six schools in the camps to accommodate the sudden return of Western Saharan students from Libya and to train teachers in curriculum development and pedagogy. Since 2008, 25 students have been recipients of UNHCR scholarships. UNICEF also provided school supplies for the education sector.

61. UNHCR continued to supply the refugees with potable water, constructing new water networks to reduce the cost of water delivery by truck. Solidaridad International, a Spanish NGO, installed water systems in all the camps with funding from ECHO and UNHCR. Local staff members at the Saharan water department were trained on technical aspects of water treatment.

62. WFP provided logistic support at the warehouses at the extended delivery point, which are managed by the Algerian Red Crescent and the Western Sahara Red Crescent, on a daily basis. In October 2011, WFP and UNHCR fielded a Joint Assessment Mission (JAM) to evaluate the implementation of the operation since the last JAM in 2009, reviewing the gaps in the main sectors of interest -- food, health, education and water, sanitation and hygiene. The mission visited all camps, met with camp representatives and sector authorities, and collected vital household data.

63. Pursuant to the recommendation in my report of 6 April 2010 (S/2010/175, para. 75) and Security Council Resolution 1979 (2011), 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 the host country.

G. Confidence building measures

64. With the cooperation of the parties, UNHCR continued to implement the Confidence Building Measures (CBM) programme to facilitate contact and communication between Western Saharan refugees in the Tindouf camps and their families in the Territory west of the berm. MINURSO provided logistic support to the program through air transport, police officers to facilitate preparations and serve as escorts, and medical staff. Family visits and cultural seminars remain the two fundamental components of the updated CBM Plan of Action, as

agreed with the parties in January 2012.

65. The CBM program encountered unanticipated challenges following the kidnapping of the three humanitarian workers in Rabouni near Tindouf. Following the incident, MINURSO security mitigation measures restricted movement of UN personnel, and UNHCR suspended missions to the refugee camps and postponed family visit flights scheduled between 28 October - 4 November. In coordination with MINURSO, UNCHR undertook an assessment mission to evaluate security arrangements and seek advice and assurances on staff safety from the Government of Algeria and Frente Polisario. The family visit flights resumed on 14 November after the introduction of special security and escort procedures.

66. Between 2004 and the end of 2011, the total number of registered persons in the camps near Tindouf and in the Territory was 42,603. Of this number, 12,316 persons have benefitted from the family visits program. To simplify procedures for the existing family visits programme by air, UNHCR conducted a mass verification exercise between 11 July and 11 October for CBM registered families; 6,651 persons were verified. Pre-cleared lists of potential families were shared with the parties, from which a final list for each flight will be submitted to both parties. The parties subsequently agreed to the seven-step pre-departure preparation procedures presented by UNHCR to streamline the process. Earlier in the year, UNHCR conducted a general registration exercise for the purpose of maximizing the number of beneficiaries, and to verify and update the old registration lists.

67. In April 2011, UNHCR jointly undertook a road reconnaissance mission with MINURSO to explore the possibility of expanding family visit activity through the inclusion of travel by road. Due to logistic complications and funding requirements, this option did not prove feasible in the short-term. During a 24 - 25 January CBM meeting convened by UNCHR in Geneva, the parties agreed to maintain, but put on hold, the road option as a possibility to increase the number of beneficiaries. In the interim, it was agreed to seek a larger aircraft with a carrying capacity of 150 passengers, potentially increasing the number of family visit beneficiaries to 6,000 annually. The UNHCR-chartered aircraft will operate under the same arrangements as MINURSO aircraft under the Status of Mission Agreements with Morocco and Algeria. Now that the aircraft has been secured and is scheduled to commence flights on 11 April, both MINURSO and UNHCR will need to augment their support for the expansion of the programme.

68. From 12 - 16 September, UNHCR organized a seminar on Hassaniyya culture, traditional heritage, and practices in Madeira, Portugal. The seminar was attended by 34 participants drawn equally from the Territory and from the Tindouf camps in Algeria. At the Geneva CBM meeting, the parties and the two neighboring countries acknowledged the positive outcome of the seminar, and agreed that another cultural seminar should be held in Portugal, in agreement with its Government. UNCHR plans to organize the seminar and an additional one during the coming period.

69. Following engagement with the parties by the United Nations High Commissioner for Refugees, António Guterres, and by my Personal Envoy, UNHCR chaired the 24 - 25 January CBM evaluation meeting (para. 67). Representatives of the parties, Algeria and Mauritania as observers, my Personal Envoy, and my Special Representative attended. 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 36 years due to the conflict. The parties

expressed their commitment to cooperate fully with UNHCR in implementing CBM activities, in accordance with its mandate and principles, and to preserve the humanitarian character of the CBM operation. They also committed to ensure UNHCR's full and unhindered access to the refugee camps in Algeria and CBM beneficiaries in the Territory.

70. In addition to the agreements concerning the family visit programme, preparation procedures, and suspension of the road option, participants agreed that UNHCR assess options for the use of new information technology to facilitate communication links between the families. They also reiterated their agreement to hold at least twice- yearly coordination meetings to review progress on the CBM programme and discuss issues of mutual concern, as well as their support to UNHCR to organise an evaluation of the CBM programme as a lessons learned exercise in 2012, and adopted the updated January 2012 UNHCR Plan of Action for CBM implementation.

H. Irregular Migrants

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

I. Human Rights

72. Frente Polisario continued to appeal for protection of Western Saharan human rights and for an independent monitoring mechanism in the Territory during the period. Frente Polisario leader Abdelaziz addressed 17 letters to me alleging violations of Western Saharans' human rights by Moroccan security forces in various locations of the Territory, involving intervention in or repression of the demonstrations cited in para. 2. The allegations also concerned the conditions of detention and trial before military courts of Western Saharan suspects of the November 2010 Gdim Izik violence, as well as repression by Moroccan security forces of demonstrations held in solidarity with the prisoners.

(letters of complaint....delete para)

73. The Government of Morocco has provided information to the Office of the High Commissioner on Human Rights (OHCHR) on actions it has taken regarding the human rights situation in Western Sahara. In the context of King Mohammed VI's reforms, the Government established the Regional Commission of the National Council of Human Rights (NCHR) for Laayoune, Boujdour, Smara and Tarfay, and for Dakhla and Aousserd. Both Commissions became operational in December 2011. At this early stage of their existence, it is not possible to evaluate the impact of the Regional Commissions.

74. The Government of Morocco also informed OHCHR of its follow- up on the recommendations made by the Parliamentary Commission of Inquiry, which was established in 2011 to investigate the violence surrounding the dismantling of Gdim Izik camp near Laayoune in November 2010. After investigation, the Parliamentary Commission of Inquiry recommended compensation for all victims. The Government reported that a number of Western Saharans who were victims of violence during the dismantling of the camp, filed compensation claims and are awaiting a final decision. The Government also noted that other victims of violence (who did not file claims) have received compensation on the basis of a mediation procedure.

75. During the past year, there were developments regarding Western Saharan activists. On 14 April 2011, the Casablanca Court of Appeals provisionally released Western Saharan activists

Ali Salem Tamek, Brahim Dahane, and Ahmed Naciri, after 18 months in pre-trial detention. They were arrested alongside four other activists in October 2009, upon their return from a visit to the refugee camps in Tindouf, Algeria. The trial of the seven defendants charged with “harming Morocco’s internal security”, started in October 2010, but has been postponed repeatedly. A verdict is yet to be announced on the case.

76. On 25 September 2011, seven individuals were reportedly killed, according to the Moroccan Interior Minister’s 30 September statement, including two Moroccan police officers, during violent clashes after a soccer match in Dakhla (paras. 3 – 4). The Government of Morocco informed OHCHR that the central prosecutor within the Court of Appeals of Laayoune ordered an investigation into the events. Following a trial by the same court in relation to the incident, ten Western Saharans were sentenced to prison terms ranging from four to ten years on criminal charges. Sixteen others are still detained in a prison in Laayoune pending the completion of their trials.

77. According to information received by OHCHR, some 120 Western Saharans, including women, were tried for a range of charges, including violence against civil servants, before the Laayoune Civil Court of Appeals. They were provisionally released after almost one year in pre-trial detention, pending the verdict. In addition, out of the 120, 23 individuals are currently facing trial before the Permanent Military Tribunal of the Royal Armed Forces in Rabat on charges of “constitution of criminal gangs and violence against security enforcement officers.” As stated by the Human Rights Committee on the right to a fair trial, set forth in article 14 of the International Covenant on Civil and Political Rights, the use of military or special courts to try civilians raise serious problems as far as the equitable, impartial and independent administration of justice is concerned, and should be exceptional and in full compliance with the guarantees under article 14 (CCPR/C/GC/32, para. 32). The Committee has recommended that every individual be tried by ordinary courts or tribunals using established legal procedures in accordance with international human rights instruments.

78. In early November 2011, the above-mentioned group of 23 detainees started a hunger strike in the prison of Salé (located outside Rabat) to protest against their detention conditions and demanded their release. After 38 days on hunger strike, a committee composed of members of the NCHR and the National Delegation for Prison Administration - a Moroccan governmental body dealing with prisons - initiated a dialogue with the detainees. Following the assurance of the committee to guarantee the improvement of their detention conditions and to allow national and international observers to monitor future hearings, the detainees agreed to suspend their hunger strike on 7 December.

79. On 13 January 2012, after more than one year of pre-trial detention, the Permanent Military Tribunal of the Royal Armed Forces in Rabat postponed all further hearings indefinitely, and two of the 23 detainees were transferred to a hospital due to critical health conditions. On the same day protests in solidarity with the 23 detainees were reportedly broken up by Moroccan security forces in Laayoune.

80. In November 2011, in its consideration of Morocco’s fourth periodic report, the Committee against Torture expressed concerns about the alleged excessive use of force by Moroccan law enforcement officers and security personnel. The Committee also raised concern about alleged cases of arbitrary arrest and detention, detention in secret places, torture, and ill-treatment, the

extraction of confessions under torture and excessive use of force.

81. During the reporting period, OHCHR received allegations of poor detention conditions in the prison of Salé. In addition, alleged acts of torture and degrading treatment in the custody of police forces have been reported to the Prosecutor's Office. It remains unclear whether investigations into violations by law enforcement personnel have been initiated or not.

82. Morocco has not yet formally extended a standing invitation to all Special Procedures, but three Special Procedures mandates were engaged during the period. In the context of her official visit to Morocco, the Independent Expert in the field of cultural rights visited the city of Dakhla, in Western Sahara, on 14 September 2011. She recommended that "measures that limit the cultural rights of the population of Western Sahara should be immediately revoked", and reported that "a number of Saharawi were unable to give their children Hassani names". On 24 February 2012, the Government of Morocco confirmed 15 - 22 September 2012 as the dates for the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to undertake visits to Morocco and to Western Sahara.

83. From 13 - 20 February 2012, the Working Group on discrimination against women in law and in practice conducted an official visit to Morocco. Due to time and logistical constraints, the Working Group was unable to travel to Laayoune or Dakhla in Western Sahara.

84. It is too early to assess the full impact of the Human Rights Council monitoring mechanisms in this context, though some limitations are apparent due to the scope of the remit and structure of engagement by special procedures. There are currently 36 thematic special procedures mandates that address a wide range of human rights issues. Each has a mandate to report and advise on human rights from the individual thematic perspective. Each covers the situation in all Member States of the United Nations and each conducts visits to two or three States annually.

V. African Union

85. 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 of the African Union for its contribution. MINURSO continued to support the African Union delegation in Laayoune, with logistic and administrative assistance drawn from its existing resources.

86. On 3 - 4 September 2011, my Special Representative attended a high-level meeting in Cairo, Egypt, organized by the African Union, where common strategies and enhanced cooperation towards advancing peace in Africa were discussed. This meeting was a follow-up to that held in Cairo from 26 - 28 August 2010, jointly organized by the United Nations and the African Union.

VI. Financial aspects

87. The General Assembly, by its resolution 65/304, appropriated the amount of \$61.4 million for the maintenance of MINURSO for the period 1 July 2011 to 30 June 2012. Should the Security Council decide to extend the mandate of MINURSO beyond 30 April 2012, the cost of maintaining the Mission until 30 June 2012 would be limited to the amounts approved by the General Assembly. The proposed budget for MINURSO for the period 1 July 2012 to 30 June

2013 in the amount of \$58.7 million (exclusive of budgeted voluntary contributions in kind) has been submitted to the General Assembly for consideration during the second part of its resumed sixty-sixth session.

88. As at 19 March 2012, unpaid assessed contributions to the Special Account for MINURSO amounted to \$46.8 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to \$2,440.3 million.

89. As at 19 March 2012, amounts owed to troop contributors totaled \$0.43 million. Reimbursement of troop and contingent-owned equipment costs have been made for the period up to February 2011 and October 2010, respectively, due to insufficiency of cash in the special account of the Mission.

VII. Challenges to MINURSO operations

90. In its resolution 1979 (2011) renewing the mandate of MINURSO until 30 April 2012, the Security Council requested that, in my next report, I examine the existing challenges to MINURSO's operations, reflecting on the situation on the ground. These challenges fall into three categories: those related to the mandate, the military and substantive civilian activities, and the security conditions.

91. In terms of the Mission's mandate, the principal purpose of MINURSO's establishment was to organize and supervise a referendum on Western Sahara self-determination and, as a supportive function, to monitor the ceasefire between the parties and maintain the military status quo. The stalled political process has meant that MINURSO has not been able to implement a referendum or continue organizational preparations for the transition process. The MINURSO mandate is thus de facto restricted to monitoring the ceasefire, and as the original mandate anticipated an imminent referendum, the Security Council's instructions on ceasefire monitoring were general in nature.

92. The complete suspension of referendum activities in 2003, combined with the diminished international profile of the conflict and changes in the operational environment, have encouraged the parties to develop their own, not always compatible, interpretations of the Mission's mandate. Morocco favors a narrower military peacekeeping operation, while Frente Polisario expects broader monitoring of the welfare of the population and inclusion of a human rights mechanism as in other peacekeeping missions. These divergent interpretations have led to an approach to the Mission which has, over time, eroded the Mission's authority, weakened MINURSO functions, and brought deviations from standard peacekeeping practice.

93. Challenges related to MINURSO military and substantive civilian activities are primarily grounded in derogations from generally accepted peacekeeping principles, norms and practice. The principle of United Nations neutrality has, for many years, been compromised by Morocco's requirement that MINURSO vehicles display Moroccan diplomatic license plates. Multiple attempts to address this issue with the authorities in Rabat and with the Permanent Mission of Morocco have been rejected or gone unheeded. Apart from my Special Representative's vehicle, which bears United Nations identification alone, MINURSO vehicles compensate by displaying Mission identification in their windshields, and exchanging Moroccan for Mission license plates after crossing the berm. This practice does not fully respect United Nations neutrality.

94. MINURSO headquarters in Laayoune is surrounded by 21 Moroccan flags. The flags were

installed in 2006, pursuant to removal of the Moroccan flag that had previously flown inside the compound. As with license plates, this flag display compromises United Nations neutrality vis-à-vis Frente Polisario, the local population, and the international community.

95. Military monitoring and reporting of violations suffer from the lack of precise ceasefire terms, a clear definition of the 1991 military status quo, and MINURSO's lack of authority to prevent or rectify non-compliance. Military agreement No. 1, agreed by each side in 1997 and 1998, regulates military equipment, new defensive construction and deployments in the restricted areas adjoining the berm to maintain the 1991 status quo. The Royal Moroccan Army regularly abrogates the military agreement terms with defensive constructions. Frente Polisario has restricted access periodically. Morocco stresses the scope of security threats in the southern reaches of the Territory as justification for non-compliant military measures. The imposition of restrictions by Frente Polisario has been attributed to individual commanders, but seems to have been utilized as a means of protesting the stalemate in the political process. These factors have undermined the Mission's ability to monitor and report consistently on the situation on the ground, and to uphold the spirit and letter of the ceasefire and military agreements and the deterrent effect of the United Nations international presence.

96. MINURSO is responsible for monitoring, assessing and reporting on local developments affecting or relating to the situation in the Territory, maintenance of the ceasefire, and political and security conditions affecting the peace process led by my Personal Envoy. These standard peacekeeping mission functions provide the Secretariat, the Security Council, and my Personal Envoy with information and analysis pertaining to the situation in Western Sahara, especially as MINURSO is the only international presence in the Territory apart from a small UNCHR office that facilitates the CBM programme. Ideally, MINURSO officers would have unfettered access to the full spectrum of interlocutors west of the berm and in the Tindouf area for these purposes, be they local or national officials, opposition activists, or civil society leaders.

97. Despite the constraints on easy interactions west of the berm (para. 46), MINURSO has actively sought opportunities for engagement to meet reporting expectations at Headquarters on important developments and regional security issues. In addition, constructive outreach efforts were attempted, such as an 8 March celebration of International Women's Day with a gathering of prominent women at MINURSO headquarters which did not take place due to objections from the Moroccan authorities.

98. East of the berm, security of MINURSO personnel is a growing concern affecting operational activities. Threats from the deterioration of security in the Sahel, gaps in regional security coordination, reported arms proliferation from the Libya conflict, and resource shortages for border control and stronger security measures expose military observers to increased risks. Night patrols have been suspended since the 2008 ambush of Mauritanian troops near its border with Western Sahara. There have also been MINURSO incidents of confrontation with smugglers. Out of concern for the military observers' security, Frente Polisario advised MINURSO to limit movement following the October 2011 abductions in the Tindouf area. MINURSO and Frente Polisario have put additional security measures in place, though more may be needed depending on further developments and the gravity of security implications.

99. Both parties guarantee MINURSO freedom of movement and access to interlocutors,

provided that the parties' forces are treated equally, according to Frente Polisario, and according to Morocco, conditioned by the bounds of established practice. Established practice is at the core of the challenges facing MINURSO operations. It has become increasingly difficult for MINURSO to fulfill mandate implementation requirements in a credible manner, given the constraints that have evolved over time as described above (paras. 92 – 97).

VIII. Observations and recommendations

100. During the period under review, the three rounds of informal talks between the parties, their two meetings on natural resources and confidence building measures, and the numerous bilateral consultations that my Personal Envoy held with them, confirmed that the parties continue to have the political will to meet, but not as yet to engage in substantive negotiation toward the objective set forth in successive Security Council resolutions, namely “a just, lasting, and mutually acceptable political solution, which will provide for the self determination of the people of Western Sahara.”

101. Each party reads history, the successive resolutions of various United Nations organs, the doctrine and practice of the United Nations, and the domestic, regional, and international atmosphere, as well as the consequences of the Arab spring, as justifying and bolstering its position. The result is positions that present seemingly unbridgeable differences on both the purpose of the negotiating process and the means of satisfying the requirement for self-determination.

102. Frente Polisario argues that Western Sahara is a non-self-governing territory whose final status must be settled through an exercise of self-determination, foreseen in Security Council resolutions and defined in General Assembly resolutions. In Frente Polisario's view, the parties must therefore accept the need for several possible options, and for a referendum that presents these options to the people of Western Sahara for decision in line with traditional United Nations doctrine and practice. In addition, Frente Polisario believes that key stakeholders support these positions and that the logic of the Arab spring requires that the people of Western Sahara enjoy freedom of expression and peaceful assembly to make their views known.

103. Morocco argues that Western Sahara should enjoy advanced autonomy within its sovereignty and that this “compromise” between independence and integration into Morocco is the only solution to the conflict. In Morocco's view, the Council's call for negotiations “with realism and in a spirit of compromise” recognizes Morocco's proposal, and the parties should negotiate the details of autonomy. Furthermore, Morocco believes that current United Nations doctrine and practice allow for self-determination through negotiations and a confirmatory referendum, that important stakeholders support these positions, and that the logic of the Arab spring has been applied to Western Sahara by extending Morocco's democratic reforms to that Territory.

104. Despite the manner in which the parties read domestic, regional, and international developments, it is clear that the environment surrounding the Western Sahara conflict is changing on many levels. Over time, these changes could bring the parties to begin modifying their positions on the purpose of the negotiating process and the means of satisfying the requirement for self-determination. In so doing, they could present new opportunities for a settlement that enjoy the support not only of the parties, but also, importantly, of the people of

Western Sahara.

105. However, it is also possible that, despite changes in the environment, the parties will continue to hold to their mutually exclusive positions as enshrined in the two proposals presented to the Council in April 2007, with the result that the status quo is likely to persist. The consequences of such a situation would merit close attention in time.

106. Absent a new framework, my Personal Envoy will continue his established pattern of activities, including those outlined in paragraph 120 of my previous report. To that end, he will continue to explore the possibility of convening a group reflecting a cross-section of the people of Western Sahara for consultations and dialogue as a way of generating new ideas to present to the negotiators. In addition, he will also explore the possibility of convening a group of “wise men” from the five states of the Arab Maghreb Union for the same purpose, in recognition of the fact that the Western Sahara conflict is North Africa’s last major dispute.

107. As another means of fostering the development of new ideas, my Personal Envoy will also encourage the parties to facilitate visits by diplomats, legislators, journalists, and others to permit the international community to gain a greater understanding of the views of those directly affected by this conflict. Ultimately, any settlement that the parties reach will require the support of the people of Western Sahara for it to be just, lasting and mutually acceptable and if future tensions are to be avoided.

108. As noted in my previous report, addressing human rights issues is also important for the larger resolution of the conflict. All parties have responsibilities to ensure the protection of human rights. Efforts have been undertaken in this regard, but human rights issues continue to be raised with regard to the people of Western Sahara, demonstrating that concerns still exist. It is important that the mechanisms to address the situation, as envisaged in para. 121 of my previous report to the Security Council, are given full and immediate effect. Hence the efforts noted require further and more focused engagement with the situation in Western Sahara and the camps.

109. I welcome the anticipated family visit capacity expansion to increase the number of refugees and their family members, divided by the conflict for many years, who can benefit from the programme, and recommend an increase of six MINURSO police officers necessary to support the expansion. I also note the successful Saharan cultural seminar, and the parties’ commitment to continue constructive cooperation with UNHCR in the effort to alleviate the divisive effects of the conflict. I would like also to thank Algeria and Mauritania for their support to the humanitarian programme of family visits.

110. I am pleased to note the progress in the clearance of land mines and explosive ordnance of war and the decrease in mine accidents recorded since my last report. These invaluable activities contribute directly and positively to the safety of the civilian population as well as of United Nations personnel. I also note the positive reception and 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. To sustain this vital work, I call upon donors to support the efforts of the parties and of MINURSO in order to take advantage of the progress and investments made to date.

111. At present, the main tasks of MINURSO comprise monitoring of the ceasefire agreement between the parties, reporting on both sides’ military activities and developments in and

affecting the Territory, demining activities, and provision of logistic support to the UNHCR 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 effectively facilitated the family exchange visits under UNHCR auspices.

112. In monitoring the ceasefire agreement, the MINURSO military observers contend with a range of situational and capacity challenges in the course of their duties. They monitor a total area of 104,000 square kilometers and within it, the berm of 1,600 kilometers in length. Lacking the capabilities to cover the entire 266,000 square kilometer Territory, the main monitoring effort is now focused on the berm and the restricted areas on either side, via ground patrols and air reconnaissance, to observe and report on compliance with the ceasefire under the terms of military agreement No. 1. The military observers perform a number of related tasks that are equally critical to the deterrence role of the Mission, to assure each side of the other's non-aggressive intentions, and to resolve issues or tensions when they arise. They investigate and verify violations of military agreement No. 1, and respond to requests concerning prohibited activities and notifications of permissible activities from both parties. In addition, the military observers investigate, to the best of their abilities, the allegations of one side against the other, and ensure that each side is duly informed of the conclusions.

113. The Mission's ability to fully monitor and assess the situation in the Territory, and interact with the full spectrum of interlocutors, is essential, as illustrated in the context of the violence in Dakhla following a sports event. I regret the loss of life in the ensuing clashes on 25 September, and am concerned by the evidence of simmering community tensions in the western part of Territory, another consequence of the absence of a peace agreement between Morocco and Frente Polisario, and the continuing status quo in Western Sahara. I am equally concerned by the deterioration of security conditions in the region, which expose the military observers east of the berm to uncertain risk. I express my sympathy to the humanitarian workers abducted from Tindouf and their families and appeal for the victims' immediate and unconditional release.

114. I have outlined a series of challenges in my report, which demonstrate that MINURSO is neither able to exercise fully its peacekeeping monitoring, observation and reporting functions nor avail of the authority to reverse the erosion of its mandate implementation capabilities on its own. I seek the Council's support to sustain the peacekeeping instrument as it was intended to operate for three critical purposes: 1) as an instrument of stability in the event that the political stalemate continues; 2) as a mechanism to implement a referendum on self-determination in the event that the talks led by my Personal Envoy are successful; and 3) to provide independent information on conditions in the Territory to the Secretariat, the Security Council, and the international community. A United Nations operation on which both parties rely, which is able to function as a neutral arbiter between the sides and a solid deterrent to further changes in the military status quo, would return MINURSO operations to the norms and standards expected of contemporary peace operations.

115. As a guarantor for the stability of the ceasefire, and as a visible commitment of the international community to achieve a resolution of the Western Sahara conflict, I believe that the presence of MINURSO remains relevant. I therefore recommend an increase of 15 military

observers to bolster its monitoring capacities. In light of the challenges described in this report, I 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 minimum conditions for the successful operation of the Mission are met. I call on both parties, Morocco and 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 for a further 12 months, until 30 April 2013.

116. In conclusion, I wish to thank Christopher Ross, my Personal Envoy, for his tireless diligence in working 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, Hany Abdel-Aziz, as well as Major General Abdul Hafiz of Bangladesh, who assumed his duties as MINURSO Force Commander on 24 July 2011, for their able and dedicated leadership of MINURSO. I wish to thank the former MINURSO Force Commander, Major General Jingmin Zhao of China, who returned home on 10 April 2011 after a distinguished tenure in Western Sahara. Finally, I also thank the women and men of MINURSO for the work they are performing in difficult circumstances, to fulfill the Mission's mandate.