

Africa

1. The situation concerning Western Sahara

**Decision of 29 February 2000 (4106th meeting):
resolution 1292 (2000)**

At its 4106th meeting,¹ on 29 February 2000, the Security Council included in its agenda the report of the Secretary-General dated 17 February 2000 on the situation concerning Western Sahara.² In his report, the Secretary-General commented on the implementation of the settlement plan; the situation of the prisoners of war and the repatriation of refugees; and the implementation of the cross-border confidence-building measures. On the issue of the implementation of the settlement plan, he noted that his Special Representative had pursued consultations with the parties in order to seek ways of moving the process forward, in particular with respect to the new round of appeals received by the United Nations Mission for the Referendum in Western Sahara (MINURSO). He stated that the Frente Polisario was concerned over the delays resulting from the large number of appeals and maintained that, under the settlement plan, only the people counted in the 1974 Spanish census of the territory should take part in the referendum. The authorities of Morocco, on the contrary, had reiterated the right of every applicant to appeal by presenting witnesses who could provide new information to support his or her inclusion in the voter list. The authorities of Morocco had, further, questioned the impartiality of the members of the Identification Commission and had warned that the referendum would not be held if any person originating from the Sahara were denied the right to participate. These substantial differences, which were still unresolved, had delayed the preparatory work of MINURSO. The

Secretary-General suggested that the two parties considered that the composition of the electorate body would predetermine the outcome of the referendum. As a way to put the peace process back on track, he informed the Council that he had appointed a Personal Envoy, who had later informed him that neither party had indicated willingness to pursue any political solution other than implementing the settlement plan. Thus, he had arranged direct talks between the parties, which had resulted in a number of agreements that, nonetheless, had not been successful in preventing further interruptions. The Secretary-General pointed out that each time the United Nations proposed a technical solution to bridge the parties' differing interpretation of a given provision of the settlement plan, a new difficulty, requiring yet another round of protracted consultations, arose. Furthermore, he expressed concern over the fact that no enforcement mechanism was envisioned in the settlement plan to enforce the results of the referendum.

At the meeting, the President (Argentina) drew the attention of the Council to a letter dated 24 February 2000 from Morocco, submitting its observations and conclusions on the implementation of the settlement plan in Western Sahara, the progress of the identification process and, in particular, the prospects for the implementation of the appeals procedure.³

The President then drew the attention of the Council to a draft resolution;⁴ it was put to the vote and adopted unanimously as resolution 1292 (2000), by which the Council, *inter alia*:

Decided to extend the mandate of MINURSO until 31 May 2000;

Supported the intention of the Secretary-General to ask his Personal Envoy to consult the parties and, taking into account existing and potential obstacles, to explore ways and means to achieve an early, durable and agreed resolution of their dispute;

³ S/2000/148.

⁴ S/2000/149.

¹ During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara, pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 21 November 2001 (4426th), 25 February 2002 (4477th), 24 April 2002 (4520th), 24 July 2002 (4587th), 22 January 2003 (4690th), 28 May 2003 (4763rd) and 23 October 2003 (4847th).

² S/2000/131, submitted pursuant to resolution 1282 (1999).

Requested the Secretary-General to provide an assessment of the situation before the end of the current mandate.

Decision of 31 May 2000 (4149th meeting): resolution 1301 (2000)

At its 4149th meeting, on 31 May 2000, at which statements were made by the representatives of Argentina, China, Jamaica, Malaysia, Mali, Namibia, the Netherlands and the United States, the Council included in its agenda the report of the Secretary-General dated 22 May 2000 on the situation concerning Western Sahara.⁵

In his report, the Secretary-General detailed, inter alia, the efforts of his Personal Envoy to implement the settlement plan and the Houston agreements. He stated that the discussions had been inconclusive. Further meetings had been proposed, and his Personal Envoy had called on the parties to attend with concrete solutions, or else be prepared to consider other options to the dispute over Western Sahara.

At the meeting, the representative of Namibia stated that while, he fully supported the recommendation of the Secretary-General to extend the mandate of MINURSO, the report of the Secretary-General contained observations that had serious political implications of concern to his delegation. He stressed that he could not endorse observations that sought to diverge from the implementation of the settlement plan and would, thus, vote against the draft resolution before the Council. He further reiterated that the settlement plan remained the only viable mechanism by which to achieve a lasting solution to the question of Western Sahara.⁶

The representative of Jamaica argued that the draft resolution was not appropriate, because it implied that there were doubts within the Council as to whether the settlement plan was implementable, despite the fact that the report had not concretely assessed this. He also noted that the phrase in paragraph one that said “and explore all ways and means to achieve an early, durable and agreed resolution to their dispute over Western Sahara”, could be interpreted as a clear signal to the parties to the dispute that the settlement plan might be jettisoned without the benefit of full compliance with

the mandate given to the Personal Envoy of the Secretary-General. He stressed that the Council should hear an assessment from the Personal Envoy on whether the plan was implementable before adopting the resolution, and if it did not it would not “be following its own mandated procedure”. He maintained that the draft resolution should be purely technical, and that any political aspects should have been dealt with in a separate resolution.⁷

The representative of Mali stated that his delegation would have wished the draft resolution to be a presidential text reflecting the unanimous support of the Council for the efforts of the Personal Envoy. However, in the absence of consensus on the fourth preambular paragraph and operative paragraph 1, his delegation would abstain.⁸

The representative of the Netherlands suggested that the draft resolution did not adequately reflect the continued commitment to the settlement plan that had been expressed by most delegations during consultations. He noted that while in the fifth preambular paragraph of the draft resolution⁹ the Council did reiterate its full support for the ongoing efforts to implement the settlement plan, the abrupt way that it subsequently noted that “fundamental differences needed to be resolved” produced a “disingenuous overtone” which did not “do justice” to the importance that the Council had attached to the settlement plan. Nonetheless, his delegation would vote for the draft resolution in order not to restrict any option for the Personal Envoy to tackle his mandate.¹⁰

The representative of China stated that the extension of the mandate of MINURSO would help assist the parties concerned in finding an appropriate solution to existing problems, and expressed that the

⁵ S/2000/461, submitted pursuant to resolution 1292 (2000).

⁶ S/PV.4149, p. 2.

⁷ Ibid., pp. 2-3.

⁸ Ibid., p. 3.

⁹ The fifth preambular paragraph reads: “*Reiterating its full support* for the continued efforts exerted by the United Nations Mission for a Referendum in Western Sahara to implement the settlement plan and agreements adopted by the parties to hold a free, fair and impartial referendum for the self-determination of the people of Western Sahara, noting that fundamental differences between the parties over the interpretation of the main provisions remain to be resolved” (resolution 1301 (2000)).

¹⁰ S/PV.4149, p. 2.

views of the parties should be carefully heeded so as to prevent new problems from arising.¹¹

The representative of Malaysia noted that his delegation would have preferred adopting a technical resolution to extend the mandate, while discussion continued on a text that would better reflect the commitment to the settlement plan.¹² On the other hand, the representative of Argentina highlighted his efforts to reach an agreement. He reaffirmed his support to the settlement plan and considered that other alternatives could only be considered once all the possibilities for its implementation had been exhausted.¹³ The representative of the United States stressed that the resolution could not have dealt only with the length of the mandate of MINURSO because divorcing that from the reasoning behind it would have made no sense. He indicated his support for every effort to overcome the difficulties and promote the implementation of the settlement plan, but stressed that ignoring the realities would not fix them. Thus the Secretary-General and his Personal Envoy needed to be granted full leeway and authority to work with the parties as they deemed necessary, as it had been previously done in 1997 and 2000.¹⁴

At the same meeting, the President (China) drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, the United Kingdom and the United States;¹⁵ it was put to the vote and adopted, by 12 votes to 1 (Namibia), with 2 abstentions (Jamaica and Mali), as resolution 1301 (2000), by which the Council, *inter alia*:

Decided to extend the mandate of MINURSO until 31 July 2000, with the expectation that the parties would offer the Secretary-General's Personal Envoy specific and concrete proposals that could be agreed to in order to resolve the multiple problems relating to the implementation of the settlement plan and explore all ways and means to achieve an early, durable and agreed resolution to their dispute over Western Sahara;

Requested the Secretary-General to provide an assessment of the situation before the end of the current mandate.

¹¹ *Ibid.*, p. 4.

¹² *Ibid.*, pp. 2 and 4-5.

¹³ *Ibid.*, p. 4.

¹⁴ *Ibid.*, pp. 4-5.

¹⁵ S/2000/500.

**Decisions of 25 July 2000 to 27 April 2001:
resolutions 1309 (2000), 1324 (2000), 1342
(2001) and 1349 (2001)**

At its 4175th, 4211th, 4284th and 4315th meetings,¹⁶ the Council adopted resolutions, unanimously and without debate, by which it extended the mandate of MINURSO for periods of two to four months,¹⁷ and supported the continuation of the efforts made by the Secretary-General's Personal Envoy, on the basis of the recommendations contained in the reports of the Secretary-General on the situation concerning Western Sahara.¹⁸

In his reports, the Secretary-General provided information about the efforts of his Personal Envoy to move the Settlement Plan forward; the situation of the prisoners of war, political detainees and the unaccounted-for persons; the implementation of the confidence-building measures; and the security situation in the region. Regarding the efforts to move the settlement plan forward, he took note of meetings that had been held between the parties and his Personal Envoy. He noted that both parties had identified the areas they considered to be the most difficult, namely the appeals process, the repatriation of refugees, and the people who had reached voting age after December 1993 but had not been included in the identification process. However, neither party had submitted specific proposals on how to resolve the multiple problems of the settlement plan. As his Personal Envoy had explained, neither party had shown any disposition to depart from the "winner-takes-all" mentality. Moreover, he claimed that the meetings had actually moved things backwards, as the differences between the parties had deepened. However, new meetings were being pursued, aimed at arriving to a political solution,

¹⁶ Held on 25 July 2000, 30 October 2000, 27 February 2001 and 27 April 2001, respectively. During this period, the Council also held one meeting in private to hear a briefing by the Minister for Foreign Affairs and Cooperation of Morocco (4210th meeting, held on 26 October 2000).

¹⁷ By resolution 1309 (2000) the mandate was extended by four months, by resolutions 1324 (2000) and 1342 (2001) by two months, and by resolution 1349 (2001) by three months.

¹⁸ S/2000/683 submitted pursuant to resolution 1301 (2000); S/2000/1029, submitted pursuant to resolution 1309 (2000); S/2001/148, submitted pursuant to resolution 1324 (2000); and S/2001/398, submitted pursuant to resolution 1342 (2001).

which could either be a negotiated agreement for full integration with Morocco; a negotiated agreement for full independence; a negotiated agreement for something in between; or a negotiated agreement that would permit a successful implementation of the settlement plan. Finally, the Secretary-General's Personal Envoy stated that further meetings of the parties could not succeed unless the Government of Morocco, as the administrative Power of Western Sahara, was prepared to offer or support some devolution of governmental authority for all inhabitants and former inhabitants of the territory.

Over the course of its meetings, the attention of the Council was drawn to letters from Morocco and Algeria, explaining their positions and making some recommendations.¹⁹

**Decisions of 29 June 2001 to 30 May 2003:
resolutions 1359 (2001), 1380 (2001), 1394
(2002), 1406 (2002), 1429 (2002), 1463 (2003),
1469 (2003) and 1485 (2003)**

During this period, the Council held eight meetings,²⁰ at each of which it adopted a resolution,²¹ unanimously and without debate, by which it extended the mandate of MINURSO for periods of two to six months; supported the continuation of the efforts made by the Secretary-General's Personal Envoy; and encouraged the parties to follow the discussions, on the basis of the recommendations contained in the reports and letters of the Secretary-General on the situation concerning Western Sahara.²²

In his reports and letters, the Secretary-General informed the Council, *inter alia*, about the efforts of his Personal Envoy to reach a solution to the conflict; the situation regarding security and violence in the region; the implementation of confidence-building measures; and the release of prisoners of war and political

detainees. Regarding the efforts of his Personal Envoy, the Secretary-General explained that he had presented a draft "framework agreement on the status of Western Sahara" to the parties and other relevant authorities, in which was proposed the integration of Western Sahara in Morocco while giving the population of Western Sahara some level of autonomy; that the status of Western Sahara would be submitted to a referendum within five years, and that the voters would be people who had been full-time residents of Western Sahara for the preceding one year. Thus, according to the Secretary-General, the settlement plan would not be abandoned, but it would be put on hold. However, he asserted that both Algeria and the Frente Polisario had rejected this proposal, since they believed that anything other than independence could not be considered or discussed; therefore, they presented a proposal aimed at overcoming the obstacles preventing the implementation of the settlement plan. Still, the Secretary-General recalled the difficulties in implementing the settlement plan, namely the inability of the United Nations to implement any measure unless both parties had agreed to cooperate with it, as well as the difficulties in determining the people eligible to take part in the referendum given, *inter alia*, the nomadic and tribal characteristics of the Saharan population. He also informed the Council that his Personal Envoy had observed that Algeria and the Frente Polisario would be prepared to discuss a division of the territory as a political solution to the dispute over Western Sahara, but that the Government of Morocco was unwilling to discuss such an approach. Given these differences, the Secretary-General deemed that there was no real chance that the parties would ultimately voluntarily agree to that approach to solve their dispute over Western Sahara. As a way to overcome this deadlock, the Secretary-General suggested four options that could be considered by the Council: (1) the United Nations could resume trying to implement the settlement plan without requiring the concurrence of both parties before action could be taken; (2) the Personal Envoy could revise the draft framework agreement, considering the concerns expressed by both parties, but without seeking their concurrence, and submit it to the Council, which would submit it to the parties on a non-negotiable basis; (3) he could explore discussions with the parties for a possible division of the territory; but if the parties were unwilling or unable to agree before a deadline, he would present a proposal to the Council which the

¹⁹ S/2000/699 and S/2000/155.

²⁰ 4342nd meeting, held on 29 June 2001, 4427th meeting, held on 27 November 2001; 4480th meeting, held on 27 February 2002; 4523rd meeting, held on 30 April 2002; 4594th meeting, held on 30 July 2002; 4698th meeting, held on 30 January 2003; 4725th meeting, held on 25 March 2003; and 4765th meeting, held on 30 May 2003.

²¹ The draft of resolution 1406 (2002) was submitted by the United States.

²² S/2001/613, S/2001/1067, S/2002/178, S/2002/467, S/2003/59, S/2003/341 and S/2003/565 and Corr.1.

Council would submit, to the parties on a non-negotiable basis; and (4) the Council could terminate MINURSO and acknowledge that the United Nations was not going to solve the problem without requiring that one or both parties do something that they did not wish to do voluntarily. The Secretary-General emphasized that, regardless of the option that the Council would choose, it would be important that the Council did not support any changes that would require the concurrence of the parties. Given the difficulty of choosing an option that would impose a solution on the parties instead of seeking an agreement, the Personal Envoy had also undertaken a new effort to present a proposal to the parties and neighbouring countries entitled "Peace plan for the self-determination for the people of Western Sahara", which combined elements of the settlement plan and framework agreement. It envisaged a period of transition when there would be a division of responsibilities between the parties before holding a referendum, but it did not require the consent of both parties at each and every step of its implementation. However, both the parties had made objections to the plan and the Secretary-General warned the Council that they might be asked by one or both parties to support a negotiation of the peace plan. Nonetheless, he recommended that the Council should endorse the plan as proposed and ask the parties to accept it, particularly if the Council was not willing to choose from one of the four other options he had proposed.

Over the course of its meetings, the attention of the Council was drawn to letters from the representative of Algeria, Namibia and Morocco.²³

²³ In those letters Algeria, inter alia, questioned the impartiality of the United Nations Secretariat towards the settlement plan, and called upon the Council to reaffirm its commitment to it. It also expressed its opposition to the second option presented by the Secretary-General for amending the draft framework agreement, which had been considered in a draft resolution initiated by three permanent members of the Council; however, since that draft resolution was later amended by creating a new option that included elements of the first option (settlement plan) and second option (framework agreement), Algeria indicated its support for it (S/2001/623, S/2002/782, S/2002/807 and S/2002/835). Meanwhile, Namibia transmitted a memorandum by the Frente Polisario, where the group referred to the draft framework agreement's inconsistency (S/2002/749). Morocco, on the other hand,

Decision of 31 July 2003 (4801st meeting): resolution 1495 (2003)

At its 4801st meeting, on 31 July 2003, the Council included in its agenda the report of the Secretary-General dated 23 May 2003 on the situation concerning Western Sahara.²⁴

Statements were made by most members of the Council,²⁵ expressing, inter alia, their satisfaction at the unanimous adoption of the resolution and emphasizing that the resolution was not imposing a solution on the parties, but would prompt a resumption of discussions. Some of the representatives stressed that they fully supported the peace plan for the self-determination of Western Sahara, which would facilitate the early solution of the conflict on the basis of agreement between the parties. A number of representatives also maintained that the principle of self-determination was an essential element of a just resolution of the issue.²⁶

The President (Spain) drew the attention of the Council to a draft resolution submitted by the United States;²⁷ it was put to the vote and adopted unanimously as resolution 1495 (2003), by which the Council, inter alia:

Continued to support strongly the efforts of the Secretary-General and his Personal Envoy and similarly supported their peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties;

Called upon the parties to work with the United Nations and with each other towards acceptance and implementation of the peace plan; and decided to extend the mandate of MINURSO until 31 October 2003.

Decision of 28 October 2003 (4850th meeting): resolution 1513 (2003)

At its 4850th meeting, on 28 October 2003, the Council included in its agenda the report of the Secretary-General dated 16 October 2003 on the

continued to support the draft framework agreement and rejected the new draft resolution because it considered the two options to be irreconcilable (S/2002/758, S/2002/823 and S/2002/832).

²⁴ S/2003/565 and Corr.1, introduced at the 4765th meeting on 30 May 2003.

²⁵ The representative of the United Kingdom did not make a statement.

²⁶ S/PV.4801, p. 3 (Pakistan); and p. 4 (Mexico, Angola).

²⁷ S/2003/777.

situation concerning Western Sahara.²⁸ In his report, the Secretary-General observed that the Frente Polisario had officially accepted the peace plan as presented to it, while Morocco, on the other side, had not relinquished its position, but had requested more time to reflect and consult before giving its final response. He also noted that progress had also been made towards the implementation of confidence-building measures, such as the resumption of telephone and mail services and the exchange of family visits

²⁸ S/2003/1016, submitted pursuant to resolution 1495 (2003).

between the Tindouf refugee camps and Western Sahara.

At the same meeting, the President (United States) drew the attention of the Council to a draft resolution;²⁹ it was put to the vote and adopted unanimously as resolution 1513 (2003), by which the Council, *inter alia*, decided to extend the mandate of MINURSO until 31 January 2004 and to remain seized of the matter.

²⁹ S/2003/1034.

2. The situation in Liberia

Decision of 7 March 2001 (4287th meeting): resolution 1343 (2001)

At the 4287th meeting,¹ on 7 March 2001, the President (Ukraine) drew the attention of the Security Council to a draft resolution,² which “flowed from previous discussions of the Council, including the meeting with an Economic Community of West African States (ECOWAS) ministerial delegation on 12 February 2001” and to several other documents.³

At the meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1343

¹ During this period, in addition to the meetings covered in this section, the Council held one meeting in private with the potential troop and civilian police-contributing countries to the proposed United Nations peacekeeping operation in Liberia, pursuant to resolution 1353 (2001), annex II, sections A and B (4825th meeting, held on 15 September 2003).

² S/2001/188.

³ Letter dated 23 February 2001 from the Government of Sierra Leone, transmitting a statement concerning the question of sanctions against Liberia (S/2001/166); letter dated 27 February 2001 from the Government of Sierra Leone, concerning the expulsion from Liberia of four telecommunications operators (two each from Sierra Leone and Guinea) by airport authorities (S/2001/176); letter dated 23 February 2001 from the Government of Liberia, transmitting a statement by the President of Liberia on alleged remarks attributed to the Army Chief of Staff of Guinea threatening to take the Guinean conflict deep into Liberia (S/2001/167); and letter dated 26 February 2001 from the Government of Guinea, concerning the development of the draft resolution on sanctions against Liberia (S/2001/173).

(2001), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided to terminate the prohibitions imposed by paragraph 8 of resolution 788 (1992) and to dissolve the ECOWAS Committee of Five on Liberia established under resolution 985 (1995);

Demanded that the Government of Liberia immediately cease its support for the Revolutionary United Front (RUF) in Sierra Leone and for other armed rebel groups in the region;

Demanded that all States in the region take action to prevent armed individuals and groups from using their territory to prepare and commit attacks on neighbouring countries and refrain from any action that might contribute to further destabilization of the situation on the borders between Guinea, Liberia and Sierra Leone;

Decided to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council;

Requested the Secretary-General to establish, within one month from the date of adoption of the resolution, in consultation with the Committee, a Panel of Experts for a period of six months consisting of no more than five members, drawing, as much as possible and as appropriate, on the expertise of the members of the Panel of Experts established pursuant to resolution 1306 (2000).

Decision of 27 February 2002 (4481st meeting): resolution 1395 (2002)

At its 4405th meeting, on 5 November 2001, the Council included in its agenda a letter dated 26 October 2001 from the Chairman of the Committee established pursuant to resolution 1343 (2001) concerning Liberia addressed to the President of the