
Africa

1. The situation concerning Western Sahara

Decision of 31 January 1996 (3625th meeting): resolution 1042 (1996)

At its 3625th meeting, on 31 January 1996, in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 19 January 1996 on the situation concerning Western Sahara, pursuant to Security Council resolution 1033 (1995), setting out the findings and conclusion of the Special Envoy, the work of the Identification Commission and other activities relevant to the settlement plan.¹

In his report, the Secretary-General observed that his Special Envoy's mission had resulted in the agreement of the Frente Polisario to participate in the identification of a significant number of applicants about whom they had previously expressed reservations, but that they continued to refuse to cooperate with the identification of another large group of applicants. Morocco continued to maintain that all applicants be processed without discrimination as to the format or treatment by the Identification Commission, a position with which the Special Envoy concurred. If both parties were to cooperate fully with the Commission, a period from six months to one year would be required to complete the identification process. He noted the strong support by the two observer countries during the Special Envoy's visit to their capitals, and he stated that the Security Council might want to consider ways of assisting the parties if they agreed to hold talks to facilitate a settlement of their conflict. He informed the Council that there were other aspects of the settlement plan that needed to be addressed, including a vision of the post-referendum period, code of conduct, confinement of troops and the exchange of prisoners of war. He gave two options for extending the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO). The first was a simple extension until 31 May 1996, which would give enough time for resumption of the identification process and to test the political will of the parties. The second option

would be plans for a phased withdrawal, in order to impose conditions in terms of solutions to outstanding problems by specified dates. The Secretary-General, however, shared the concern of the Special Envoy that the phasing down of MINURSO could have destabilizing consequences for the region.

At the same meeting the President (United Kingdom) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.² The draft resolution was then put to the vote and adopted unanimously as resolution 1042 (1996), which reads:

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Having considered the report of the Secretary-General of 19 January 1996,

Welcoming in this context the visit to the region by the Special Envoy of the Secretary-General from 2 to 9 January 1996,

Noting the views expressed by the Government of Morocco as set out in the report of the Secretary-General,

Noting also the views expressed by the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro as set out in the report of the Secretary-General,

Reconfirming its commitment to assist the parties in achieving a just and lasting solution to the question of Western Sahara,

Reiterating the fact that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

1. Reiterates its commitment to the holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan which has been accepted by the two parties referred to above;

2. Welcomes the report of the Secretary-General of 19 January 1996;

3. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 May 1996;

¹ S/1996/43 and Corr.1.

² S/1996/60.

4. *Expresses deep concern* about the stalemate which has been hindering the identification process and the consequent lack of progress towards completion of the settlement plan;

5. *Calls upon* the two parties to cooperate with the Secretary-General and the Mission in resuming the identification process, overcoming obstacles hindering completion of that process, and implementing all other aspects of the settlement plan, in accordance with the relevant resolutions;

6. *Encourages* the two parties to consider additional ways to create confidence between themselves and to facilitate the implementation of the settlement plan;

7. *Supports* the intention of the Secretary-General, in the absence of meaningful progress towards completion of the settlement plan, to bring the situation to the immediate attention of the Council, and invites the Secretary-General in this eventuality to submit for consideration a detailed programme for a phased withdrawal of the Mission, in accordance with the second option contained in his report of 19 January 1996;

8. *Requests* the Secretary-General to submit a report by 15 May 1996 on the implementation of the present resolution;

9. *Decides* to remain seized of the matter.

**Decision of 29 May 1996 (3668th meeting):
resolution 1056 (1996)**

At its 3625th meeting, held on 31 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 8 May 1996 on the situation concerning Western Sahara pursuant to Security Council resolution 1042 (1996), setting out the efforts made to implement the settlement plan and the difficulties encountered.³

In his report, the Secretary-General observed that as a result of the positions of the parties, all efforts to continue the identification of voters had been frustrated. Despite the professed commitment of the Government of Morocco and the Frente Polisario to the settlement plan, the impasse continued. As a result, he had concluded that the required willingness to give MINURSO the cooperation it needed to complete the identification process within a reasonable time did not exist, and he recommended suspending it until such time as both parties provided convincing evidence that they were committed to completing it without further obstacles. The suspension of identification entailed the withdrawal of the Commission's members and the

civilian police component, except for a small number of officers. Although the cease-fire had been a major achievement of MINURSO and the countries in the region felt that its withdrawal could result in instability, he proposed a reduction in the military component of MINURSO by 20 per cent. This would not reduce the number of team sites in the field, curtail patrolling activity, or interrupt the daily contacts with the military forces of each side. He maintained that those changes did not imply any lessening of resolve to discharge the mandate to see peace maintained and for the people of Western Sahara to decide on their future status in a way that would bring lasting stability. He then proposed maintaining a political office, headed by his Acting Special Representative and staffed by a small number of political officers. He expressed his hope that through a continuing political presence some humanitarian issues, such as the release of Saharan political prisoners, could be resolved without waiting for other aspects of the plan. He concluded by noting that while current conditions did not exist for the ultimate objective of the settlement plan he was conscious of the necessity to keep searching for solutions and to build upon the existing achievements. He urged Member States that were in a position to help to continue to exert their influence to facilitate the process and recommended the extension of the mandate of MINURSO, at a reduced strength, for a period of six months.

At the same meeting the President (China) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴

The President further drew the attention of the Council to a letter dated 10 May 1996 from the representative of Morocco transmitting a memorandum on the delays caused by the Frente Polisario in the identification process;⁵ a letter dated 22 May 1996 from the representatives of Namibia and the United Republic of Tanzania, transmitting a memorandum by the Frente Polisario on Moroccan obstruction of the identification process;⁶ and a letter dated 24 May 1996 from the representative of Ethiopia, transmitting a joint statement with the Secretary-General of the Organization of African Unity (OAU), urging the

³ S/1996/343.

⁴ S/1996/382.

⁵ S/1996/345.

⁶ S/1996/366.

United Nations to continue efforts to implement the settlement plan with renewed commitment.⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1056 (1996), which reads:

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Having considered the report of the Secretary-General of 8 May 1996,

Noting the views expressed by the Government of Morocco as set out in the report of the Secretary-General and in the memorandum transmitted by the letter addressed to the Secretary-General dated 10 May 1996,

Noting also the views expressed by the Frente Popular para la Liberación de Sagüía el-Hamra y de Río de Oro as set out in the report of the Secretary-General and in the memorandum transmitted by the letter addressed to the Secretary-General dated 22 May 1996,

Taking note of the letter dated 23 May 1996 from the current Chairman and the Secretary-General of the Organization of African Unity to the President of the Security Council,

Reaffirming its commitment to assist the parties in achieving a just and lasting solution to the question of Western Sahara,

Stressing the importance it attaches to the maintenance of the ceasefire, as an integral part of the settlement plan,

Recognizing that, despite all the difficulties, the United Nations Mission for the Referendum in Western Sahara has to date identified more than 60,000 persons,

Reiterating that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

1. *Reiterates its commitment* to the holding, as soon as possible, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan which has been accepted by the two parties referred to above;

2. *Deeply regrets* the fact that the required willingness does not exist to give the United Nations Mission for the Referendum in Western Sahara the cooperation needed for it to resume and complete the identification process, and that there has therefore been no significant progress towards implementation of the settlement plan;

3. *Agrees* with the recommendation of the Secretary-General that the identification process should be suspended until

such time as both parties provide concrete and convincing evidence that they are committed to resuming and completing it without further obstacles, in accordance with the settlement plan;

4. *Supports* the proposal of the Secretary-General to reduce the strength of the military component of the Mission by 20 per cent, on the understanding that this will not impair its operational effectiveness in monitoring the ceasefire;

5. *Endorses* the view of the Secretary-General that the decision to suspend temporarily the work of the Identification Commission and to reduce the number of civilian police and military personnel does not imply any lessening of resolve to secure the implementation of the settlement plan;

6. *Supports* the proposal of the Secretary-General, in the context of the settlement plan, to maintain a political office to continue the dialogue with the parties and the two neighbouring countries and to facilitate any other effort that could help set the parties on a course towards an agreed formula for the resolution of their differences, and encourages the Secretary-General to consider ways of strengthening the role of this office;

7. *Urges* the two parties to demonstrate without further delay the political will, cooperation and flexibility necessary to permit the resumption and early completion of the identification process and the implementation of the settlement plan, notes with satisfaction that the parties have respected the ceasefire, which is an integral part of the settlement plan, and calls upon them to continue to do so;

8. *Calls upon* the parties, as a demonstration of goodwill, to cooperate with the United Nations in the implementation of certain aspects of the settlement plan, such as the release of Saharan political prisoners and the exchange of prisoners of war on humanitarian grounds, as soon as possible, to accelerate implementation of the settlement plan in its entirety;

9. *Encourages* the parties to consider additional ways to create confidence between themselves in order to remove obstacles to the implementation of the settlement plan;

10. *Decides* to extend the mandate of the Mission, on the basis proposed by the Secretary-General in his report of 8 May 1996, until 30 November 1996;

11. *Reminds* the parties that if significant progress is not achieved during this period, the Council will have to consider other measures, including possible further reductions in the strength of the Mission, but stresses its readiness to support the resumption of the identification process as soon as the parties have demonstrated the necessary political will, cooperation and flexibility, as called for in paragraph 7 above;

12. *Requests* the Secretary-General to continue his efforts with the parties to break the impasse blocking the implementation of the settlement plan and to submit to the

⁷ S/1996/376.

Council by 31 August 1996 a report on the outcome of his efforts;

13. *Also requests* the Secretary-General to keep the Council closely informed of all significant developments, including their humanitarian aspects, and to submit a comprehensive report on the implementation of the present resolution by 10 November 1996;

14. *Decides* to remain seized of the matter.

Decision of 27 November 1996 (3718th meeting): resolution 1084 (1996)

At its 3718th meeting, on 27 November 1996, in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 5 November 1996 on the situation concerning Western Sahara, pursuant to Security Council resolution 1056 (1996).⁸

In his report, the Secretary-General observed that the reductions in the civilian and military staff had been effected. He stated that those measures had brought the cost of the mission down by approximately 40 per cent and that he would continue to keep the size of the mission under active review to ensure maximum efficiency. He welcomed the release of prisoners of war by the Government of Morocco and noted that cooperation with the Independent Jurist would also be a confidence building step. He urged the parties to contribute to further positive measures towards a lasting settlement and to continue cooperating with the Acting Special Representative on the implementation of the settlement plan. Finally, he recommended that the Security Council extend the mandate of MINURSO for a further period of six months, until 31 May 1997, while noting that the international community could not be expected to support the extension of the mandate indefinitely in the absence of tangible process towards the settlement of the question of Western Sahara.

At the same meeting the President drew the attention of the Council to a letter dated 25 November 1996 from the representative of Morocco calling the attention of the Security Council to the serious discrepancies noted from a reading of the draft

resolution currently being prepared on Western Sahara in connection with the settlement plan.⁹

At the same meeting the President (Indonesia) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations,¹⁰ which was put to the vote and adopted unanimously as resolution 1084 (1996), which reads:

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Having considered the report of the Secretary-General of 5 November 1996,

Reaffirming its commitment to assist the parties in achieving a just and lasting solution to the question of Western Sahara,

Welcoming the reiteration by the Kingdom of Morocco of its commitment to the settlement plan,

Welcoming also the reiteration by the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro of its commitment to the settlement plan,

Stressing the importance it attaches to the maintenance of the ceasefire, as an integral part of the settlement plan,

Stressing also the importance and usefulness of the resumption of exploratory talks between the parties, without prejudice to their respective positions, in order to create an atmosphere of mutual confidence conducive to a speedy and effective implementation of the settlement plan,

Reiterating that, for progress to be achieved, the parties must have a vision of the post-referendum period,

Noting the completion by the Secretary-General of reductions in the various components of the United Nations Mission for the Referendum in Western Sahara,

1. *Reiterates its commitment* to the holding, as soon as possible, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan;

2. *Supports* the activities of the Acting Special Representative of the Secretary-General in continuing the dialogue with the parties and the two neighbouring countries and in facilitating, in the context of the settlement plan, other efforts to set the parties on a course towards an agreed formula for the resolution of their differences, and requests that those activities be accelerated and that the parties continue to cooperate with the Acting Special Representative;

⁸ S/1996/913.

⁹ S/1996/973.

¹⁰ S/1996/985.

3. *Notes* the beneficial effect of demonstrations of goodwill and of all contacts aimed at achieving the implementation of the settlement plan;

4. *Welcomes* the steps taken by the parties to demonstrate goodwill, including the release of prisoners, and the recent indications that the parties are moving forward in their efforts to resolve outstanding questions concerning the implementation of the settlement plan, and encourages them to pursue these efforts so as to build confidence between themselves and to facilitate the implementation of the settlement plan;

5. *Welcomes also* the ongoing activities of the Office of the United Nations High Commissioner for Refugees and the cooperation afforded to it by the parties, and encourages the Office of the High Commissioner to pursue its humanitarian work and assistance in accordance with its mandate and the settlement plan;

6. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara, on the basis proposed by the Secretary-General in his report of 5 November 1996, until 31 May 1997;

7. *Requests* the Secretary-General to continue his efforts with the parties to break the impasse blocking the implementation of the settlement plan and to submit to the Council by 28 February 1997 an interim report on the outcome of his efforts;

8. *Also requests* that in his next report the Secretary-General propose alternative steps, in the framework of the settlement plan, should there be no meaningful progress towards removing the obstacles to the implementation of the plan;

9. *Further requests* the Secretary-General to continue to keep the staffing size and configuration of the various components of the Mission under active review in order to ensure maximum efficiency and effectiveness, and to include in his next report ways to achieve this aim;

10. *Requests* the Secretary-General to keep the Council closely informed of all significant developments, including their humanitarian aspects, and to submit a comprehensive report on the implementation of the present resolution by 9 May 1997;

11. *Decides* to remain seized of the matter.

**Decision of 19 March 1997 (3754th meeting):
statement by the President**

At its 3754th meeting, held on 19 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 27 February 1997 on the situation concerning Western

Sahara, pursuant to Security Council resolution 1084 (1996).¹¹

In his report, the Secretary-General observed that MINURSO could take credit for the fact that the ceasefire in Western Sahara had held since 1991, that work had been initiated on the identification process and that they had contributed to facilitating contact between the parties. However, unless the parties both committed themselves fully to the settlement plan, the continuing presence of MINURSO would be questioned. He had therefore been reviewing the following questions: could the settlement plan be implemented in its present form, if not were there adjustments to the settlement plan which would make it acceptable; and if not, were there other ways by which the international community could help the parties resolve the conflict? He hoped to examine those questions before the mandate of MINURSO ran out. He informed the Council that he was considering further reductions in the staffing of MINURSO and would keep the situation under active review. He concluded by noting that the international community could not compel the parties to cooperate in implementing the settlement plan and that without such cooperation it would be increasingly hard to justify the expenditures beyond the expiry of the present mandate.

At the same meeting the President (Poland) drew the attention of the Council to letters from the representative of Morocco addressed to the President of the Security Council, the first dated 10 March 1997, conveying the comments and concerns of Morocco with regard to the report of the Secretary-General,¹² and the second dated 19 March 1997 transmitting a letter dated 11 March 1997 from the Prime Minister and Minister for Foreign Affairs and Cooperation of Morocco, welcoming the appointment of James Baker as the Secretary-General's personal envoy.¹³

At the same meeting, the President made the following statement on behalf of the Council:¹⁴

The Security Council welcomes the interim report of the Secretary-General of 27 February 1997 on the situation concerning Western Sahara. It is disappointed at the lack of progress on the implementation of the plan for the settlement of

¹¹ S/1997/166.

¹² S/1997/208.

¹³ S/1997/234.

¹⁴ S/PRST/1997/16.

the question of Western Sahara, noted in the report. It concurs with the Secretary-General's assessment that it is essential to maintain the ceasefire, a breach of which could seriously threaten regional stability, and that it is also essential to move the process forward. It believes that the presence of the United Nations Mission for the Referendum in Western Sahara has been essential in helping the parties to maintain their commitment to the ceasefire. It looks forward to receiving the Secretary-General's assessment of the future tasks and configuration of MINURSO.

The Security Council expresses its strong support for the efforts of the Secretary-General to overcome the current stalemate in implementing the settlement plan. In this context, it welcomes the appointment by the Secretary-General of a Personal Envoy to the region and urges the parties to cooperate fully with him.

**Decision of 22 May 1997 (3779th meeting):
resolution 1108 (1997)**

At the 3779th meeting of the Security Council, held on 22 May 1997 in accordance with the understanding reached in its prior consultations, the President (Republic of Korea), drew the attention of the Council to the report of the Secretary-General dated 15 January 1998 on the situation concerning Western Sahara pursuant to Security Council resolution 1084 (1996).¹⁵

In his report, the Secretary-General observed that his personal envoy, during his exploratory consultations with the parties, had stressed that he had come to discuss with all concerned a way of breaking the current stalemate. His personal envoy would return to the region in June and would then report on his findings and recommendations. The Secretary-General stated that at that time he would be in a position to submit a comprehensive report on all aspects of the Western Sahara issue. The Secretary-General thus recommended that the mandate of MINURSO be extended by four months, until 30 September 1997. Noting that the international community would not support MINURSO indefinitely without tangible signs of progress, he urged the parties to cooperate fully with his personal envoy to bring about a fair and lasting solution to the situation.

At the same meeting the President drew the attention of the Council to a draft resolution prepared

in the course of the Council's prior consultations,¹⁶ which was then put to the vote and adopted unanimously as resolution 1108 (1997), which reads:

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Recalling the statement by the President of the Security Council of 19 March 1997 on the situation concerning Western Sahara and the designation of a Personal Envoy of the Secretary-General to the region,

Having considered the report of the Secretary-General of 5 May 1997, and welcoming in particular the intention of the Secretary-General to evaluate the situation in the light of the findings and recommendations to be provided by his Personal Envoy,

1. *Reiterates its commitment* to the: holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan which has been accepted by the parties;
2. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 30 September 1997;
3. *Urges* the parties to continue to cooperate with the Personal Envoy of the Secretary-General in his mission as outlined by the Secretary-General, and to demonstrate the political will to overcome the persisting stalemate and find an acceptable solution;
4. *Requests* the Secretary-General to keep the Security Council informed of progress in the situation and to submit to the Council, by 15 September 1997, a comprehensive report on the results of his evaluation of all aspects of the Western Sahara issue;
5. *Decides* to remain seized of the matter.

**Decision of 29 September 1997 (3821st
meeting): resolution 1131 (1997)**

At its 3821st meeting held on 29 September 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 24 September 1997 on the situation concerning Western Sahara pursuant to Security Council resolution 1108 (1997).¹⁷

¹⁵ S/1997/358.

¹⁶ S/1997/381.

¹⁷ S/1997/742 and Add.1.

The Secretary-General observed that his Personal Envoy had concluded that neither party wished to pursue any option other than the current settlement plan and stated that he had implemented direct talks under the auspices of the United Nations towards that end. During those talks, the parties agreed to bridging proposals on outstanding issues related to the identification of prospective voters in the referendum, to the preparatory work of the Office of the United Nations High Commissioner for Refugees (UNHCR) for the repatriation of Saharan refugees, and to the code governing the conduct of the parties during the referendum campaign. A compromise agreement with the two observer countries, Mauritius and Algeria, on the outstanding question of Frente Polisario troop confinement was also reached. The parties also agreed to a set of practical measures for the resumption of the identification process and to a declaration related to the authority of the United Nations during the transitional period. The Secretary-General recommended that the identification process and implementation of the settlement plan be resumed and that MINURSO be provided with the resources to do so on an urgent basis. The mandate of MINURSO needed to be extended for three weeks and thereafter for 6 months until 20 April 1998. If the recommendations were accepted, he stated that he intended to dispatch a technical team to the Mission area during the first half of October 1997, to reassess the resource requirements for the deployment of MINURSO at full strength, and that he expected to revert to the Council in November with a comprehensive report, including a detailed plan, timetable and financial implication for the holding of the referendum of self-determination.

At the same meeting the President (United States) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁸ The draft resolution was then put to the vote and adopted unanimously as resolution 1131 (1997), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Welcoming the report of the Secretary-General of 24 September 1997, and the agreements reached between the parties recorded in that report,

¹⁸ S/1997/751.

Expressing its satisfaction at the extent to which the parties cooperated with the Personal Envoy of the Secretary-General, and urging the parties to continue this cooperation by fully implementing the said agreements and the settlement plan,

Reiterating its commitment to the holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 October 1997, in accordance with the recommendation of the Secretary-General contained in his report;

2. *Welcomes* the other recommendations contained in the report of the Secretary-General, and expresses its readiness to consider further action in accordance with those recommendations;

3. *Decides* to remain seized of the matter.

**Decision of 20 October 1997 (3825th meeting):
resolution 1133 (1997)**

At the 3825th meeting of the Security Council, held on 20 October 1997 in accordance with the understanding reached in its prior consultations, the President (Chile) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁹ The draft resolution was then put to the vote and adopted unanimously as resolution 1133 (1997), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara and, in particular, its resolution 1131 (1997) of 29 September 1997,

Reaffirming its welcome for the report of the Secretary-General of 24 September 1997 and the agreements reached between the parties for the implementation of the settlement plan, recorded in that report,

Reaffirming its commitment to assist the parties in achieving a just and lasting solution to the question of Western Sahara,

Reiterating its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

¹⁹ S/1997/806.

Reiterating its satisfaction at the extent to which the parties cooperated with the Personal Envoy of the Secretary-General,

1. *Calls upon* the parties to continue their constructive cooperation with the United Nations by fully implementing the settlement plan and the agreements which they have reached for its implementation;

2. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 April 1998, in order that the Mission may proceed with its identification tasks, and to increase its size in accordance with the recommendation of the Secretary-General contained in his report;

3. *Requests* the Secretary-General to begin the identification of eligible voters in accordance with the settlement plan and the agreements reached between the parties with the aim of finishing the process by 31 May 1998;

4. *Also requests* the Secretary-General to submit to the Council, no later than 15 November 1997, a comprehensive report, including a detailed plan, a timetable and financial implications, for the holding of the referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan and the agreements reached between the parties for its implementation;

5. *Further requests* the Secretary-General to report to the Council every 60 days from the date of extension of the mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments in the interim period;

6. *Decides* to remain seized of the matter.

**Decision of 26 January 1998 (3849th meeting):
resolution 1148 (1998)**

At its 3849th meeting, held on 26 January 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 15 January 1998 on the situation concerning Western Sahara, pursuant to Security Council resolution 1133 (1997).²⁰

In his report, the Secretary-General observed that despite the promising progress made since the resumption of the identification process, its completion by 31 May 1998 would be a daunting task. Until the number of non-convoked people presenting themselves was known it would not be possible to confirm that the

process could be concluded by that date to allow the start of the transitional period on 7 June 1998 as planned. However, he maintained that every effort would be made to adhere as strictly as possible to the timetable. Beyond the continued cooperation of the parties, this required the provision of necessary resources in full and on time, including the early deployment of engineering and other resources to undertake the required operational demining and to prepare for the deployment of the military component of the Mission. He appealed to the Council and the General Assembly to extend all necessary support in that regard, so that the overall objective of holding the referendum by the end of 1998 might still be maintained.

At the same meeting the President (France) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²¹ The draft resolution was then put to the vote and adopted unanimously as resolution 1148 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara, in particular resolution 1133 (1997) of 20 October 1997 in which it decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 April 1998 and to increase its size in accordance with the recommendation of the Secretary-General contained in his report of 24 September 1997,

Having considered the report of the Secretary-General of 13 November 1997, which contains a detailed plan, a timetable and financial implications for the increase in the strength of the Mission,

Welcoming the letter dated 12 December 1997 from the Secretary-General to the President of the Security Council, which, inter alia, records the resumption of the identification of eligible voters in accordance with the settlement plan and the agreements reached between the parties for its implementation, and the report of the Secretary-General of 15 January 1998 which, inter alia, records progress made since the resumption of the identification process,

Welcoming also the appointment of the Special Representative of the Secretary-General for Western Sahara,

1. *Approves* the deployment of the engineering unit required for demining activities and of the additional administrative staff required to support the deployment of

²⁰ S/1998/35.

²¹ S/1998/60.

military personnel as proposed in annex II to the report of the Secretary-General;

2. *Expresses its intention* to consider positively the request for the remaining additional military and civilian police assets for the United Nations Mission for the Referendum in Western Sahara as proposed in annex II to the report of the Secretary-General, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

3. *Calls upon* both parties to cooperate with the Special Representative of the Secretary-General and to cooperate further with the Identification Commission established pursuant to the settlement plan in order that the identification process can be completed in a timely fashion in accordance with the settlement plan and the agreements reached between the parties for its implementation;

4. *Requests* the Secretary-General to keep the Council fully informed of further developments in the implementation of the settlement plan;

5. *Decides* to remain seized of the matter.

**Decision of 17 April 1998 (3873rd meeting):
resolution 1163 (1998)**

At its 3873rd meeting, held on 17 April 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 13 April 1998 on the situation concerning Western Sahara pursuant to Security Council resolution 1133 (1997) requesting him to submit a report every 60 days on the progress made in the implementation plan.²²

In his report, the Secretary-General observed that considering the slowdown in identification activities, the lack of progress in resolving issues linked to the identification of applicants from the “contested” tribal groups and the climate of mutual mistrust among the parties, the target date of 31 May 1998 was unlikely to be achieved. He expressed his concern that tensions could increase as completion of the identification process approached. He also expressed his concern over the continuing propaganda against MINURSO in the Moroccan press and called for its halt. He stated that, providing both parties cooperate fully, it should be possible to complete the identification of the “non-contested” tribes by the end of July 1998, but the time required for the entire process could not be specified. He stated that, notwithstanding delays in the

transition period and the repatriation of Saharan refugees, it was important that the United Nations mine clearance activities start as soon as possible, as decided by the Security Council in resolution 1148 (1998). He urged both Morocco and the Frente Polisario to cooperate fully with his Special Representative and the Identification Commission so that the process could move forward, and with UNHCR and its preparatory work for the repatriation of refugees. The cooperation of Morocco, as well as that of Algeria and Mauritania, was also required so that the draft status of forces agreements could be approved in good time. In conclusion, he stated that if sufficient progress had been made by the end of June he would submit recommendations for a revised timetable for the full implementation of the settlement plan, including preparatory measures for the establishment of the Referendum Commission. If, on the other hand, no solutions had been found, it was his intention to recommend that the Security Council reconsider the viability of the mandate of MINURSO. In the meantime, he recommended that the mandate of MINURSO be extended for a period of three months, until 20 July 1998.

At the same meeting the President (Japan) drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.²³ The draft resolution was then put to the vote and adopted unanimously as resolution 1163 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Reaffirming its full support for the Secretary-General, his Personal Envoy, his Special Representative and the United Nations Mission for the Referendum in Western Sahara in the implementation of the settlement plan and the agreements reached by the two parties for its implementation, and recalling that under these agreements the responsibility for implementing the identification process lies with the Identification Commission,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating also its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in

²² S/1998/316.

²³ S/1998/331.

accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 13 April 1998, and supporting the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 20 July 1998, in order that the Mission may proceed with its identification tasks, with the aim of completing the process;

2. *Calls upon* the parties to cooperate constructively with the United Nations, the Special Representative of the Secretary-General and the Identification Commission established pursuant to the settlement plan in order to complete the identification- of-voters phase of the settlement plan and the agreements reached for its implementation;

3. *Notes* the continuing deployment of the engineering unit required for demining activities and of the administrative staff required to support the deployment of military personnel as proposed in annex II to the report of the Secretary-General of 13 November 1997, as further described in the recommendations of the report of the Secretary-General of 13 April 1998;

4. *Expresses again its intention* to consider positively the request for the remaining additional military and police assets for the Mission as proposed in annex II to the report of the Secretary-General of 13 November 1997, as soon as the Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

5. *Calls upon* the Governments of Morocco, Algeria and Mauritania to conclude respective status-of-forces agreements with the Secretary-General, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

6. *Requests* the Secretary-General to report to the Council every thirty days from the date of extension of the mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments in the interim period, and, as appropriate, on the continuing viability of the mandate of the Mission;

7. *Decides* to remain seized of the matter.

**Decision of 20 July 1998 (3910th meeting):
resolution 1185 (1998)**

At its 3910th meeting, held on 20 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated

10 July 1998 on the situation concerning Western Sahara, submitted pursuant to Security Council resolution 1163 (1998).²⁴

In his report, the Secretary-General observed that MINURSO was on track to finish the identification of all applicants from non-disputed tribes and both sides were cooperating in moving the process forward. He informed the Council that the Moroccan authorities had expressed their readiness to cooperate with UNHCR and that status-of-forces agreements had been received from Algeria and Mauritania and he hoped that they would be signed shortly. He expected that the Moroccan authorities would provide an early positive response. He noted that the restrictions imposed by Morocco limiting the use of MINURSO aircraft exclusively to MINURSO personnel were not in line with the practice of United Nations peacekeeping operations, and could have a negative public relations impact on the peace process in Western Sahara and could reduce the availability to Security Council members and troop- and police-contributing nations of useful information related to the Mission. He noted that differences between the parties on how to proceed with the identification of members of “contested” tribal groupings (H41, H61 and J51/52) remained substantial and neither party had provided practical suggestions for reconciliation. In the light of the progress made in identifying applicants from the other groupings he recommended that the mandate of MINURSO be extended for two months until 21 September 1998 and he would submit his report by 15 September 1998. At that time, if it appeared that there was still a possibility that the settlement plan could be implemented he would submit a revised timetable along with the report. If it appeared that the settlement plan was no longer viable, he would include recommendations on the continuing viability of the mandate of MINURSO.

At the same meeting the President (Russian Federation) drew the attention of the Council to a draft resolution prepared in the course of the Council’s prior consultations.²⁵ The draft resolution was then put to the vote and adopted as resolution 1185 (1998), which reads:

²⁴ S/1998/634.

²⁵ S/1998/661.

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Reaffirming its full support for the Secretary-General, his Personal Envoy, his Special Representative and the United Nations Mission for the Referendum in Western Sahara in the implementation of the settlement plan, and the agreements reached by the two parties for its implementation, and recalling that under these agreements the responsibility for implementing the identification process lies with the Identification Commission,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating also its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 10 July 1998, and supporting the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 21 September 1998, in order that the Mission may proceed with its identification tasks, with the aim of completing the process;

2. *Welcomes*, in line with the report of the Secretary-General, engagement by his Personal Envoy with the parties to seek a solution to those issues bearing upon implementation of the settlement plan;

3. *Calls upon* the parties to cooperate constructively with the United Nations, the Personal Envoy of the Secretary-General, the Special Representative of the Secretary-General and the Identification Commission established pursuant to the settlement plan in order to complete the identification-of-voters phase of the settlement plan and the agreements reached for its implementation;

4. *Notes with satisfaction* the expressed readiness of the Moroccan Government to cooperate with the Office of the United Nations High Commissioner for Refugees in order to formalize the presence of the Office of the High Commissioner in Western Sahara, according to the settlement plan;

5. *Notes* the continuing deployment of the engineering unit required for demining activities and of the administrative staff required to support the deployment of military personnel as proposed in annex II to the report of the Secretary-General of 13 November 1997, as further described in the recommendations of the report of the Secretary-General of 13 April 1998;

6. *Expresses again its intention* to consider positively the request for the remaining additional military and police assets for the Mission as proposed in annex II to the report of the Secretary-General of 13 November 1997, as soon as the

Secretary-General reports that the identification process has reached a stage which makes the deployment of these assets essential;

7. *Calls* for a prompt conclusion of status-of-forces agreements with the Secretary-General which would greatly facilitate the full and timely deployment of the Mission-formed military units, in particular the deployment of the military engineering support and demining units, and in this context notes progress that has been made, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

8. *Calls* for the lifting of any restrictions imposed on the Mission aircraft, or on passengers whose travel the Mission determines to be of assistance to the fulfilment of the mandate, in line with the practice of United Nations peacekeeping operations, and notes that discussions are being held to this end;

9. *Requests* the Secretary-General to report to the Council every thirty days from the date of extension of the mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments in the interim period, and, as appropriate, on the continuing viability of the mandate of the Mission;

10. *Decides* to remain seized of the matter.

Decision of 18 September 1998 (3929th meeting): resolution 1198 (1998)

At its 3939th meeting, held on 18 September 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 11 September 1998 on the situation concerning Western Sahara, pursuant to Security Council resolution 1185 (1998).²⁶

In his report, the Secretary-General observed that the identification of over 147,000 applicants had been completed with the cooperation of the two parties but he was concerned that the identification of applicants from the three disputed tribal groupings remained outstanding. While welcoming the decision of Algeria and Mauritania to sign the status-of-forces agreements, he noted that the signatures were long overdue, and he hoped that the agreement with Morocco might be concluded soon after the Secretariat had completed its review of their reply. While welcoming the agreement

²⁶ S/1998/849.

of Morocco to formalize the presence of UNHCR, he stated his concern that they had not yet taken concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote and their immediate families. He maintained that it was imperative for UNHCR to begin activities in the Territory, including confidence-building, infrastructure development and road reconnaissance, in order to complete its preparatory tasks and logistics planning. He noted that his Personal Envoy was assessing whether the settlement plan could be carried out in its current form or whether there needed to be adjustments to it, acceptable to the parties, which would improve the chances of implementing it or whether it could not be carried out. To allow the Envoy to carry out consultations with the parties, the Secretary-General recommended extending the mandate of MINURSO until 31 October 1998.

At the same meeting the President (Sweden) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.²⁷ The draft resolution was then put to the vote and adopted unanimously as resolution 1198 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating also its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 11 September 1998, and supporting the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 October 1998;

2. *Welcomes*, in line with paragraph 23 of the report of the Secretary-General, engagement of his Personal Envoy with the parties to seek a solution to those issues bearing upon implementation of the settlement plan;

3. *Welcomes also* the agreement of the Moroccan authorities to formalize the presence of the Office of the United

²⁷ S/1998/863.

Nations High Commissioner for Refugees in Western Sahara, and requests both parties to take concrete action to enable the Office of the High Commissioner to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

4. *Calls* for a prompt conclusion of status-of-forces agreements with the Secretary-General which would greatly facilitate the full and timely deployment of the Mission-formed military units, and in this context notes new progress that has been made, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

5. *Requests* the Secretary-General to report to the Council thirty days from the date of extension of the mandate of the Mission on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments and, as appropriate, on the continuing viability of the mandate of the Mission;

6. *Decides* to remain seized of the matter.

**Decision of 30 October 1998 (3938th meeting):
resolution 1204 (1998)**

At its 3983rd meeting, held on 30 October 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 26 October 1998 on the situation concerning Western Sahara pursuant to Security Council resolution 1198 (1998).²⁸

In his report, the Secretary-General observed that the situation concerning Western Sahara remained deadlocked primarily due to the inability of the Moroccan Government and the Frente Polisario to reach a compromise on the much-debated issue of the "contested" tribal groupings H41, H61 and J51/52, and he had decided to present his own arbitration in order to move ahead on that issue. He stated that he was asking the Identification Commission to proceed in considering requests from any applicants from the tribal groupings in question who wished to present themselves individually, in order to verify whether they have the right to vote, having regard to the five eligibility criteria accepted by the parties. This would prolong the Identification Commission's programme of work, and he therefore advised launching the appeals

²⁸ S/1998/997.

process simultaneously, which would require the publishing of the provisional list of voters. In order to implement this programme and keep to the proposed timetable, he recommended that the number of the Commission's members and support personnel be gradually increased. Holding the referendum was also dependent on measures taken to prepare for the return of refugees who were eligible to vote, and he urged Morocco, the Frente Polisario, Algeria and Mauritania to grant the United Nations and UNHCR all the necessary facilities and guarantees to enable them to prepare for the refugees' return and to formalize the presence of UNHCR in the Territory as soon as possible. He noted that adjustments to the timetable presented in annex II of his report of 13 November 1997 were dependent on the cooperation of the parties and the timely provision of the necessary resources by the Security Council. He informed the Council that neither the Government of Morocco nor the Frente Polisario had voiced objections and that they had stated their intention to cooperate with MINURSO in implementing his proposals. Consequently he recommended the extension of the mandate of MINURSO to 30 April 1999 and stated that he intended to submit recommendations on a full deployment of MINURSO in December 1998. He concluded by stating his expectation that all documents, including the outstanding status-of-forces agreement and the protocols on the identification of applicants from the "contested" tribal groupings, would be initialed by the time he returned to the region.

At the same meeting the President (United Kingdom) drew the attention of the Council to a letter dated 30 October 1998 from the representative of Morocco addressed to the President of the Security Council,²⁹ expressing his concern that paragraph 6 of draft resolution S/1998/1011, which stated the Security Council's support for the intention of MINURSO to publish the provisional list of voters, was in contradiction with paragraph 21 of the settlement plan,³⁰ which stipulates that the voter list would be published only when the identification process was complete. The President maintained that the Council would not consider the resolution as modifying the relevant provisions of the settlement plan.

²⁹ S/1998/1014.

³⁰ S/22464 and Corr.1.

At the same meeting the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³¹ The draft resolution was then put to the vote and adopted unanimously as resolution 1204 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating its commitment also to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 26 October 1998 and the observations and recommendations contained therein,

Welcoming also the stated intentions of the Government of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to cooperate actively with the United Nations Mission for the Referendum in Western Sahara in implementing the proposals contained in the report,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 17 December 1998;

2. *Welcomes* paragraph 4 of the report of the Secretary-General, regarding the protocol relating to the identification of those presenting themselves individually from tribes H41, H61 and J51/52, the protocol relating to the appeals process, the memorandum pertaining to the activities of the Office of the United Nations High Commissioner for Refugees in the region, and an outline of the next stages of the settlement plan, and calls on the parties to agree to this package of measures by mid-November 1998 in order to allow positive consideration of further stages in the settlement process;

3. *Notes* the intention of the Office of the High Commissioner to forward to the parties soon a protocol relating to the repatriation of refugees, and supports efforts in this regard;

4. *Welcomes also* the agreement of the Moroccan authorities to formalize the presence of the Office of the High Commissioner in Western Sahara, and the agreement of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to resume pre-registration activities in the refugee camps, and requests both parties to take concrete action to enable the Office of the High Commissioner to carry out the

³¹ S/1998/1011.

necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

5. *Notes with regret* the constraints on the operational capability of engineering support unit of the Mission, calls for a prompt conclusion of status-of-forces agreements with the Secretary-General which is an indispensable prerequisite for the full and timely deployment of the Mission-formed military units, and recalls that pending the conclusion of such agreements, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

6. *Supports* the intention of the Mission to start publishing the provisional list of voters by 1 December 1998, as proposed by the Secretary-General, and supports also the proposed increase in staff of the Identification Commission from eighteen to twenty-five members, and the increase also in the necessary support personnel, in order to strengthen the Commission and enable it to continue working with utmost rigour and impartiality with a view to keeping to the proposed timetable;

7. *Requests* the Secretary-General to report to the Council by 11 December 1998 on the implementation of the present resolution and on the progress of the implementation of the settlement plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments and, as appropriate, on the continuing viability of the mandate of the Mission;

8. *Decides* to remain seized of the matter.

**Decision of 17 December 1998 (3956th meeting):
resolution 1215 (1998)**

At its 3956th meeting, held on 17 December 1998 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 11 December 1998 on the situation concerning Western Sahara, pursuant to Security Council resolution 1204 (1998).³²

In his report, the Secretary-General observed that although his arbitration package had been formally accepted by the Frente Polisario, Algeria and Mauritania, Morocco had expressed several concerns and was seeking clarifications on the draft protocols. He maintained that in view of the concerns expressed by Morocco, the proposed measures to launch simultaneously the identification and appeals process would still entitle all applicants to both an initial

³² S/1998/1160.

hearing and a process of appeal and that the final list of voters would be published only after the end of the appeals for all applicants. In conclusion, he expressed his hope that the draft protocol would be agreed on and signed by Morocco, the Frente Polisario, Algeria and Mauritania on the occasion of the visit by the United Nations High Commissioner for Refugees in early 1999 and that Morocco would promptly sign the status-of-forces agreement. To allow consultations to lead to an agreement, he recommended that the mandate of MINURSO be extended until 31 January 1999. If the prospects for completing the identification process remained uncertain, it was his intention to revert to the Council and ask his Personal Envoy to reassess the situation and the viability of the mandate of MINURSO.

At the same meeting the President (Bahrain) drew the attention of the Council to a letter dated 3 November 1998 from the representative of Algeria addressed to the President of the Security Council,³³ and a letter dated 24 November 1998 from the representative of Mauritania addressed to the President of the Security Council,³⁴ respectively, informing the Security Council that they had signed the status-of-forces agreement; and to a letter dated 15 December 1998 from the representative of Morocco addressed to the President of the Security Council,³⁵ drawing attention to the need to draw a distinction between the Secretary-General's arbitration concerning the 65,000 applicants and all the other proposals contained in the protocols submitted to it by the Under-Secretary-General for Peacekeeping Operations.

At the same meeting the President also drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁶ The draft resolution was then put to the vote and adopted unanimously as resolution 1215 (1998), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara, and reaffirming in particular resolution 1204 (1998) of 30 October 1998,

³³ S/1998/1031.

³⁴ S/1998/1142.

³⁵ S/1998/1169.

³⁶ S/1998/1183.

Welcoming the report of the Secretary-General of 11 December 1998 and the observations and recommendations contained therein,

Noting the stated position of the Government of Morocco, and welcoming the formal acceptance by the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to implement the package of measures contained in paragraph 2 of the report of the Secretary-General, in order to move forward with the implementation of the settlement plan,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 January 1999 to allow for further consultations in the hope that those consultations will lead to agreement on the various protocols without undermining the integrity of the Secretary-General's proposed package or calling into question its main elements;

2. *Notes*, in this regard, that the implementation of the proposal of Secretary-General to launch simultaneously the identification and appeals processes could clearly demonstrate the willingness of the parties to accelerate the referendum process, in accordance with the wishes they have publicly expressed in recent months;

3. *Calls upon* the parties and the interested States to sign as soon as possible the proposed refugee repatriation protocol with the Office of the United Nations High Commissioner for Refugees, urges the Government of Morocco to formalize the presence of the Office of the High Commissioner in the Territory, and requests both parties to take concrete action to enable the Office of the High Commissioner to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

4. *Urges* the Government of Morocco promptly to sign a status-of-forces agreement with the Secretary-General as an indispensable condition for the full and timely deployment of the Mission-formed military units, and recalls that pending the conclusion of such agreement, the model status-of-forces agreement dated 9 October 1990, as provided for in General Assembly resolution 52/12 B of 19 December 1997, should apply provisionally;

5. *Notes* that the contracts of the majority of the Identification Commission staff will expire by the end of December 1998, and that future extensions will depend on the prospects for resuming the identification work in the immediate future and on the decisions the Council will take concerning the mandate of the Mission;

6. *Requests* the Secretary-General to report to the Council by 22 January 1999 on the implementation of the present resolution and on the progress in the implementation of the settlement plan and the agreements reached between the parties, and further requests him to keep the Council regularly informed of all significant developments including, as appropriate, a reassessment by his Personal Envoy of the continuing viability of the mandate of the Mission;

7. *Decides* to remain seized of the matter.

**Decision of 28 January 1999 (3971st meeting):
resolution 1224 (1999)**

At the 3971st meeting of the Security Council, held on 28 January 1999 in accordance with the understanding reached in its prior consultations, the President (Brazil) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³⁷

At the same meeting the President also drew the attention of the Council to a letter dated 30 December 1998 from the representative of Austria, addressed to the Secretary-General, transmitting a statement on Western Sahara issued on 29 December 1998 by the Presidency of the European Union reiterating their support for the United Nations settlement plan for Western Sahara.³⁸

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1224 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 11 February 1999;

2. *Requests* the Secretary-General to keep the Council informed of all significant developments in the implementation of the settlement plan and the agreements reached between the parties, and, as appropriate, on the continuing viability of the mandate of the Mission;

3. *Decides* to remain seized of the matter.

**Decision of 11 February 1999 (3976th meeting):
resolution 1228 (1999)**

At its 3976th meeting, held on 11 February 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 28 January 1999 on the situation concerning Western Sahara pursuant to Security Council resolution 1215 (1998).³⁹

³⁷ S/1999/78.

³⁸ S/1999/7.

³⁹ S/1999/88.

In his report, the Secretary-General observed that Morocco had asked for a few days to review the clarifications it had requested from the United Nations before presenting the changes it wanted to the texts of the voter identification and appeals protocols. As long as those changes did not affect the balance and spirit of the package of measures and the timeline, he expressed his hope that this would lead to a prompt resumption of identification and the initiation of the appeals process. He welcomed the decision of Morocco to formalize the status of UNHCR in the Territory and expressed his belief that the pre-registration operation in the Tindouf camps needed to be allowed to resume as soon as possible. He called on Morocco to begin discussions without delay with UNHCR on the refugee repatriation draft protocol and maintained that the United Nations would respond promptly to the comments on the protocol submitted by the Frente Polisario and Algeria. He informed the Council that Morocco had decided to proceed with the signature of the status-of-forces agreement concerning MINURSO and he thus recommended that the mandate be extended for four weeks, until 28 February 1999. If the prospects for putting the package of measures into effect remained uncertain at that time, it was his intention to ask his Personal Envoy to reassess the situation and the viability of the mandate of MINURSO.

At the same meeting the President (Canada) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁰ The draft resolution was then put to the vote and adopted unanimously as resolution 1228 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara, and reaffirming in particular resolutions 1204 (1998) of 30 October 1998 and 1215 (1998) of 17 December 1998,

Welcoming the report of the Secretary-General of 28 January 1999 and the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 31 March 1999 to allow for consultations in the hope and expectation of agreement on the protocols on identification, appeals and repatriation planning activities, as well as on the essential issue of the implementation calendar, without

⁴⁰ S/1999/130.

undermining the integrity of the Secretary-General's proposed package of measures or calling into question its main elements, for the prompt resumption of voter identification and initiation of the appeals process;

2. *Requests* both parties to take concrete action to enable the Office of the United Nations High Commissioner for Refugees to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the settlement plan;

3. *Requests* the Secretary-General to report to the Council by 22 March 1999 on the implementation of the present resolution;

4. *Supports* the intention of the Secretary-General to ask his Personal Envoy to reassess the viability of the mandate of the Mission should the prospects for putting the package of measures into effect remain elusive at the time of submission of the next report of the Secretary-General;

5. *Decides* to remain seized of the matter.

**Decision of 30 March 1999 (3990th meeting):
resolution 1232 (1999)**

At its 3990th meeting, held on 30 March 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 22 March 1999 on the situation concerning Western Sahara, pursuant to Security Council resolution 1228 (1999).⁴¹

In his report, the Secretary-General observed that the United Nations had provided the clarifications requested to the protocol by the Government of Morocco, and had received a communication from Morocco communicating Morocco's agreement in principle. The identification and appeals protocols would be adjusted to take into account necessary revisions and then would need the approval of both parties. He would apprise the Security Council of developments prior to the expiration of the mandate of MINURSO. He welcomed the signature of Morocco and the MINURSO force commander on the agreement on mines and unexploded ordnance and noted that MINURSO was engaged in efforts to reach a similar agreement promptly with the Frente Polisario. He noted that progress had been made by UNHCR in establishing itself in the Territory and in preparing the ground for the start of substantive work that would enable it to complete its preparatory work for the

⁴¹ S/1999/307.

repatriation of Saharan refugees. All parties needed to move ahead to reach an agreement on the refugee repatriation protocol, and he called on the Frente Polisario to allow the resumption of the work of pre-registration of refugees in the Tindouf camps. In the light of the resignation of his Special Representative and pending the Security Council's decision regarding the future status of MINURSO, he had designated the Chairman of the Identification Commission as his Acting Special Representative. He recommended that the mandate of MINURSO be extended until 30 April 1999 to provide time for an understanding to be reached on modalities for the implementation of the identification and appeals protocols.

At the same meeting the President (China) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴² The draft resolution was then put to the vote and adopted unanimously as resolution 1232 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Welcoming the report of the Secretary-General of 22 March 1999 and the observations and recommendations contained therein,

Welcoming also the agreement in principle to the Secretary-General's package of measures by the Government of Morocco, and recalling its acceptance by the Frente Popular para la Liberación de Saguia el Hamra y de Río de Oro,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 30 April 1999 to allow for an understanding to be reached among all concerned on detailed modalities for the implementation of the identification and appeals protocols, including a revised implementation schedule, in a manner that would preserve the integrity of the Secretary-General's package of measures;

2. *Requests* both parties to move ahead with the necessary discussions to reach an agreement on the refugee repatriation protocol, so that all aspects of the work needed to prepare the way for the repatriation of refugees may begin, including confidence-building measures, and in that regard welcomes the decision of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to allow the resumption of

pre-registration activities of the Office of the United Nations High Commissioner for Refugees in Tindouf;

3. *Welcomes* the signature, by the Government of Morocco and the Force Commander of the Mission, of the agreement on mines and unexploded ordnance mentioned in paragraph 13 of the report of the Secretary-General, and urges the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to engage in a similar effort;

4. *Requests* the Secretary-General to report to the Council by 23 April 1999 on the implementation of the present resolution;

5. *Decides* to remain seized of the matter.

**Decision of 30 April 1999 (3994th meeting):
resolution 1235 (1999)**

At its 3994th meeting, held on 30 April 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 27 April 1999 on the situation concerning Western Sahara, pursuant to Security Council resolution 1232 (1999).⁴³

In his report, the Secretary General observed that Morocco and the Frente Polisario would shortly convey their formal positions on the protocols and operational directives, which would provide for the resumption of the identification process on 1 June 1999 and of the appeals process on 1 July 1999. The simultaneous conduct of the identification and appeals processes would shorten the timeline of the referendum but require increased staffing and logistics requirements for which he would submit supplementary budget proposals in due course. He informed the Council that the consultations between UNHCR and Morocco had already led to formal arrangements for the installation of UNHCR in the Territory and they had begun consultations on the protocol governing planning for refugee repatriation and would begin to do so shortly with the Frente Polisario. He welcomed the military agreements reached between MINURSO and the two parties on the demarcation of mines and unexploded ordnance and noted that they had begun to implement those agreements. He maintained that the implementation of the timeline was predicated on many critical assumptions but that if the parties agreed to the proposed protocols and operational directive, the Security Council should extend the mandate of MINURSO for six months, until October 1999. He stated his intention to report to the Council at two-month intervals on progress being made.

⁴² S/1999/354.

⁴³ S/1999/483.

At the same meeting the President (France) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁴ The draft resolution was then put to the vote and adopted unanimously as resolution 1235 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Taking note of the report of the Secretary-General of 27 April 1999 and the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 14 May 1999;
2. *Requests* the Secretary-General to keep the Council informed of all significant developments in the implementation of the settlement plan and the agreements reached between the parties, and, as appropriate, on the continuing viability of the mandate of the Mission;
3. *Decides* to remain seized of the matter.

**Decision of 14 May 1999 (4002nd meeting):
resolution 1238 (1999)**

At its 4002nd meeting, held on 14 May 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 27 April 1999 on the situation concerning Western Sahara and an addendum containing the text of the five documents that he had transmitted to Morocco and the Frente Polisario.⁴⁵

At the same meeting the President (Gabon) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁶

At the same meeting the President drew the attention of the Council to two letters dated 13 May 1999 from the Secretary-General transmitting the responses of Morocco and of the Frente Polisario respectively to the detailed modalities for the implementation of the Secretary-General's package of measures relating to the identification of voters, the

appeals process and the revised implementation timetable.⁴⁷

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1238 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on the question of Western Sahara,

Welcoming the report of the Secretary-General of 27 April 1999 and the observations and recommendations contained therein,

Welcoming also the acceptance by the Government of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro of the detailed modalities for the implementation of the Secretary-General's package of measures relating to the identification of voters, the appeals process and the revised implementation timetable as a good foundation for the completion of this phase of the settlement plan and taking note of their respective letters,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 14 September 1999 in order to resume the identification process, start the appeals process and conclude all outstanding agreements needed to implement the settlement plan, and reaffirms the rights of the applicants, with the expectation that the appeals process will not be turned into a second round of identification;
2. *Supports* the proposed increase in staff of the Identification Commission from twenty-five to thirty members, and the proposed increase also in the necessary support activities, in order to strengthen the Commission and enable it to continue working with full authority and independence, in accordance with its mandate as authorized by the Security Council, and to accomplish its tasks expeditiously;
3. *Requests* the Secretary-General to report every forty-five days on significant developments in the implementation of the settlement plan, in particular on the following issues which will form, inter alia, the basis of its consideration of a further extension of the mandate of the Mission: full and unequivocal cooperation of the parties during the resumption of voter identification and during the start of the appeals process; agreement by the Government of Morocco on the modalities for implementing paragraph 42 of the status-of-forces agreement; agreement of the parties on the protocol relating to refugees; and confirmation that the Office of the United Nations High Commissioner for Refugees is fully operational in the region;
4. *Requests* the Office of the High Commissioner to provide the Security Council with recommendations for

⁴⁴ S/1999/489.

⁴⁵ S/1999/483 and Add.1.

⁴⁶ S/1999/556.

⁴⁷ S/1999/554 and S/1999/555.

confidence-building measures and time lines for their implementation;

5. *Requests* the Secretary-General to submit to the Council a revised timetable and financial implications for the holding of the referendum for the self-determination of the people of Western Sahara in accordance with the settlement plan and the agreements with the parties for its implementation;

6. *Decides* to remain seized of the matter.

Decision of 13 September 1999 (4044th meeting): resolution 1263 (1999)

At the 4044th meeting, held on 13 September 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 8 September 1999 on the situation concerning Western Sahara, pursuant to Security Council resolution 1238 (1999).⁴⁸

In his report, the Secretary-General observed that while some delays had occurred, the continuation of the appeals process and the resumption of the identification operation on 6 September were positive developments. Although shortages of qualified United Nations personnel had been addressed in part, the number of appeals filed was substantial and would require more time and the deployment of a larger staff than originally envisaged. He noted that preparations for the repatriation of refugees had been jointly addressed by UNHCR and MINURSO and relevant consultations were in progress with Morocco and the Frente Polisario. Discussions between MINURSO and Morocco were in progress on modalities for implementing paragraph 42 of the status-of-forces agreement concerning the carriage of weapons by MINURSO troops and were expected to be finalized that month. He concluded by stating that while developments had fallen short of expectations and he was not in a position to submit a revised timetable and financial implications, they could be considered as progress. He recommended that the Security Council extend the mandate of MINURSO for a period of three months, until 14 December 1999, to allow for the completion of identification and of the preparations towards the next stages.

At the same meeting the President (Netherlands) drew the attention of the Council to a draft resolution prepared in the course of the Council's prior

consultations.⁴⁹ The draft resolution was then put to the vote and adopted unanimously as resolution 1263 (1999), which reads:

The Security Council,

Recalling all its previous resolutions on Western Sahara,

Welcoming the report of the Secretary-General of 8 September 1999 and the observations and recommendations contained therein,

Welcoming also the resumption of the identification of voters and the commencement of the appeals process,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 14 December 1999 in order to complete the identification of voters as envisaged in paragraph 21 of the report of the Secretary-General, to implement confidence-building measures and conclude all outstanding agreements needed to implement the settlement plan, and to continue with the appeals process, and reaffirms the rights of the applicants, with the expectation that the appeals process will not be turned into a second round of identification;

2. *Requests* the Secretary-General to report every forty-five days on significant developments in the implementation of the settlement plan;

3. *Also requests* the Secretary-General to submit to the Security Council before the end of the current mandate a comprehensive assessment of steps taken towards the completion of the appeals process, and of staffing requirements as outlined in the report, as well as preparations for the repatriation of refugees and the start of the transitional period;

4. *Decides* to remain seized of the matter.

Decision of 14 December 1999 (4080th meeting): resolution 1282 (1999)

At its 4080th meeting, held on 14 December 1999 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the report of the Secretary-General dated 6 December 1999 on the situation concerning Western Sahara pursuant to Security Council resolution 1263 (1999).⁵⁰

In his report, the Secretary-General observed that identification of the remaining individual applicants from tribal groupings H41, H61 and J51/51 was on track to be completed by the end of the month, which would permit the publication of the second part of the

⁴⁸ S/1999/954.

⁴⁹ S/1999/964.

⁵⁰ S/1999/1219.

provisional voter list and the initiation of the appeals process for them. He noted that the current number of appeals and the opposing positions taken by the parties on the issue of admissibility allowed little possibility of holding the referendum before 2002 or even beyond. Tangible progress on the UNHCR draft plan for cross-border confidence-building measures not having been made, he called on both parties to cooperate with UNHCR and MINURSO without delay and to resume consultations with all parties to the UNHCR repatriation protocol. In the light of those developments, he recommended that the Council extend the mandate of MINURSO until 29 February 2000 to allow time for the completion of identification and to allow his Special Representative to continue to seek reconciliation of views regarding the appeals process, the repatriation of refugees and other crucial aspects of the settlement plan. He noted that difficulties might be encountered in this process and thus in the implementation of the settlement plan itself within a reasonable period of time.

At the same meeting the President (United Kingdom) drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, the United Kingdom and the United States.⁵¹

Before the vote the representative of Namibia stated that his delegation firmly believed in the inalienable right of the people of Western Sahara to self-determination and independence and that the United Nations settlement plan for Western Sahara remained the only credible mechanism to achieve that. He informed the Council that the settlement plan had the full support of the Organization of African Unity. He stated that he would have preferred a technical resolution to extend the mandate of MINURSO to 29 February 2000 as recommended by the Secretary-General, while they were awaiting a more comprehensive report. In his view, the draft resolution did not faithfully represent the content of the last report of the Secretary-General, was selective in its approach and ignored crucial concerns previously expressed by the Council, for example the omission of reference to the concern expressed by the Council in resolutions 1238 (1999) and 1263 (1999) that stated that the appeals process should not be turned into a new round of identification. He continued that it was their view that the draft resolution painted a negative picture,

which might negatively affect the implementation of the settlement plan and send a wrong message to the international community. For those reasons he could not support the draft resolution.⁵²

At the same meeting, the draft resolution was put to the vote and adopted by 14 votes to none, with 1 abstention (Namibia), as resolution 1282 (1999),⁵³ which reads:

The Security Council,

Recalling all its previous resolutions on Western Sahara, in particular resolutions 1238 (1999) of 14 May 1999 and 1263 (1999) of 13 September 1999,

Welcoming the report of the Secretary-General of 6 December 1999 and the observations and recommendations contained therein,

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 29 February 2000 in order to complete the identification of voters, issue a second provisional voters list, and initiate appeals for tribal groupings H41, H61 and J51/52;

2. *Welcomes* the reiteration by the parties of their agreement in principle to the draft plan of action for cross-border confidence-building measures, including person-to-person contacts, submitted pursuant to resolution 1238 (1999), and calls upon them to cooperate with the United Nations High Commissioner for Refugees and the Mission for the initiation of these measures without further delay;

3. *Takes note* of the concern that the problems posed by the current number of candidates who have exercised their right of appeal and the opposing positions taken by the parties on the issue of admissibility seem to allow little possibility for holding the referendum before 2002 or even beyond, and supports the intention of the Secretary-General to instruct his Special Representative to continue his consultations with the parties on these issues, seeking a reconciliation of their opposing views regarding the appeals process, the repatriation of refugees and other crucial aspects of the United Nations settlement plan;

4. *Takes note also* of the assessment by the Secretary-General, however, that difficulties may be encountered in reconciling the opposing views of the parties, and therefore requests the Secretary-General to report before the end of the present mandate on prospects for progress in implementing the settlement plan within a reasonable period of time;

5. *Decides* to remain seized of the matter.

⁵¹ S/1999/1239.

⁵² S/PV.4080, p. 2.

⁵³ For the vote, see S/PV.4080, p. 2.