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# Security Council

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Security Council  
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### **SECURITY COUNCIL EXTENDS MANDATE OF UNITED NATIONS MISSION IN WESTERN SAHARA**

#### **UNTIL 30 APRIL 2013, UNANIMOUSLY ADOPTING RESOLUTION 2044 (2012)**

The Security Council today extended the mandate of the United Nations mission in Western Sahara until 30 April 2013.

Unanimously adopting resolution 2044 (2012), the Council called on the parties to cooperate fully with the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO), including its free interaction with all interlocutors, and to take the necessary steps to ensure the security of, as well as unhindered movement and immediate access for, United Nations personnel in carrying out the mandate.

Today's resolution came on the heels of the Secretary-General's 5 April report, in which he recommended the extension because the Mission remained relevant as a guarantor for the stability of the ceasefire and as a visible commitment of the international community to achieve a resolution of the conflict.

The Mission's ability to fully monitor and assess the situation on the ground — in a total area of 104,000 km sq. — and to interact with the full spectrum of interlocutors was essential, as illustrated in the context of recent violence following a sports event and of evidence of "simmering community tensions" in the west, which the Secretary-General said was another consequence of the absence of a peace agreement between Morocco and the Frente Polisario and the continuing status quo, the report stated.

Expressing concern about the violations of existing agreements and calling on the parties to respect their relevant obligations, the Security Council called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations.

It further called upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara.

Following the adoption of the resolution, Morocco's representative said the text reiterated the importance and priority of the initiative of self-determination.

"There is no alternative to negotiations," he said. "We will not move backwards. Since 2001, we have thought that the referendum approach could result in tension in a society which is still seeking to find solutions by consensus. We believe we will be able to live as neighbours in our neighbourhood."

However, South Africa's representative, also speaking after the vote, expressed concern over the resolution's failure to more fully address human rights issues, especially in light of the Security Council's recent bold steps in that field, particularly in northern Africa and the Middle East.

“The continuation of that trend will threaten to erode the Mission,” he cautioned. Still, his country voted in favour of the resolution because of the need to resolve the Western Sahara issue in a peaceful manner.

The meeting began at 10:14 a.m. and ended at 10:30 a.m.

### Resolution

The full text of resolution 2044 (2012) reads as follows:

“*The Security Council,*

“*Recalling and reaffirming* all its previous resolutions on Western Sahara,

“*Reaffirming* its strong support for the efforts of the Secretary-General and his Personal Envoy to implement resolutions 1754 (2007), 1783 (2007), 1813 (2008), 1871 (2009), 1920 (2010), and 1979 (2011),

“*Reaffirming* its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and *noting* the role and responsibilities of the parties in this respect,

“*Reiterating* its call upon the parties and States of the region to cooperate more fully with the United Nations and with each other and to strengthen their involvement to end the current impasse and to achieve progress towards a political solution,

“*Welcoming* the efforts of the Secretary-General to keep all peacekeeping operations, including MINURSO, under close review and reiterating the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

“*Expressing concern* about the violations of existing agreements, and *calling on* the parties to respect their relevant obligations,

“*Taking note* of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and *welcoming* serious and credible Moroccan efforts to move the process forward towards resolution; also *taking note* of the Polisario Front proposal presented 10 April 2007 to the Secretary-General,

“*Encouraging* in this context, the parties to demonstrate further political will towards a solution including by expanding upon their discussion of each other’s proposals,

“*Taking note* of the four rounds of negotiations held under the auspices of the Secretary-General and the continued rounds of informal talks, and *welcoming* the progress made by the parties to enter into direct negotiations,

“*Welcoming* the progress made by the parties in discussing innovative negotiating approaches and discrete subjects, their commitment to deepen the discussions on these and other issues, and the 9 November 2011 meeting of the parties on natural resources and progress made towards demining,

“*Welcoming* the positive conclusion of the 12-16 September 2011 UNHCR-sponsored seminar on Hassaniya culture and the agreement by the parties to hold two additional seminars in 2012, as well as the holding of a UNHCR-facilitated high-level meeting on Confidence Building Measures for Western Sahara on 24-25 January 2012,

“*Stressing* the importance of improving the human rights situation in Western Sahara and the Tindouf camps, and encouraging the parties to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights, bearing in mind their relevant obligations under international law,

*“Welcoming* the opening of National Council on Human Rights Commissions operating in Dakhla and Laayoune, and the steps taken by Morocco in order to fulfil its commitment to ensure unqualified and unimpeded access to all Special Procedures of the United Nations Human Rights Council,

*“Also welcoming* the implementation of the enhanced refugee protection program developed by the Office of the United Nations High Commissioner for Refugees in coordination with the Polisario Front, which includes refugee and human rights training and awareness initiatives,

*“Reiterating the request that* UNHCR maintain its consideration of a refugee registration in the Tindouf refugee camps,

*“Looking forward* to the implementation of the updated plan of action on confidence building measures adopted in Geneva 24-25 January 2012, including the inauguration of family visits by land, use of new information technology to facilitate communication links between families, and the continuation and expansion of the existing programme by air, and encouraging the parties to cooperate with the Office of the United Nations High Commissioner for Refugees in implementing their agreement,

*“Welcoming* the commitment of the parties to continue the process of negotiations through the United Nations-sponsored talks,

*“Recognizing* that the consolidation of the status quo is not acceptable, and *noting further* that progress in the negotiations is essential in order to improve the quality of life of the people of Western Sahara in all its aspects,

*“Affirming* support for the Secretary-General’s Personal Envoy for Western Sahara Ambassador Christopher Ross and his work in facilitating negotiations between the parties, *welcoming* his ongoing consultations with the parties and neighbouring states, and *looking forward* to his regional visit in the near future, including to Western Sahara, as per the communiqué of the Informal Meeting on Western Sahara 11-13 March 2012,

*“Affirming* support for the Special Representative of the Secretary-General for Western Sahara and Head of MINURSO Hany Abdel-aziz,

*“Having considered* the report of the Secretary-General of 11 April 2012 (S/2012/197),

“1. *Decides* to extend the mandate of MINURSO until 30 April 2013;

“2. *Reaffirms* the need for full respect of the military agreements reached with the United Nations Mission for the Referendum in Western Sahara (MINURSO) with regard to the ceasefire and *calls* on the parties to adhere fully to those agreements;

“3. *Calls upon* all parties to cooperate fully with the operations of MINURSO, including its free interaction with all interlocutors, and to take the necessary steps to ensure the security of as well as unhindered movement and immediate access for the United Nations and associated personnel in carrying out their mandate, in conformity with existing agreements;

“4. *Welcomes* the parties’ commitment to continue the process of holding small, informal talks in preparation for a fifth round of negotiations, and *recalls* its endorsement of the recommendation in the report of 14 April 2008 (S/2008/251) that realism and a spirit of compromise by the parties are essential to achieve progress in negotiations;

“5. *Calls upon* the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring implementation of resolutions 1754 (2007), 1783 (2007), 1813 (2008), 1871 (2009), 1920 (2010), and 1979 (2011) and the success of negotiations, inter alia, by continuing their discussion of the ideas in paragraph 120 of the Secretary General’s report (S/2011/249);

“6. *Affirms* its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara in this context and calls for

an intensified pace of meetings and strengthening of contacts;

“7. *Calls* upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect;

“8. *Invites* Member States to lend appropriate assistance to these talks;

“9. *Requests* the Secretary-General to brief the Security Council on a regular basis, and at least twice a year, on the status and progress of these negotiations under his auspices, on the implementation of this resolution, challenges to MINURSO’s operations and steps taken to address them, and *expresses* its intention to meet to receive and discuss his briefings and in this regard, further *requests* the Secretary-General to provide a report on the situation in Western Sahara well before the end of the mandate period;

“10. *Welcomes* the commitment of the parties and the neighbouring states to hold periodic meetings with the Office of the United Nations High Commissioner for Refugees to review and, where possible, expand confidence-building measures;

“11. *Urges* Member States to provide voluntary contributions to fund confidence-building measures that allow for visits between separated family members, as well as for other confidence-building measures agreed upon between parties;

“12. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in MINURSO with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action including pre-deployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

“13. *Decides* to remain seized of the matter.”

### Background

The Security Council had before it the [Report of the Secretary-General on the situation concerning Western Sahara \(S/2012/197\)](#), which covers developments since 1 April 2011 concerning the situation on the ground in the Territory, the status and progress of negotiations and challenges to the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

In the report, the Secretary-General recommends the extension of MINURSO’s mandate for a further 12 months until 30 April 2013.

He recommends, therefore, an increase of 15 military observers to bolster monitoring capacities. As the report outlines a series of challenges that demonstrate that MINURSO is unable to exercise fully its peacekeeping, monitoring, observation and reporting functions, he requests the assistance of the Council in reasserting the Mission’s mandated role, ensuring that the minimum conditions for its successful operation are met and upholding peacekeeping standards and United Nations neutrality. He calls on the two parties to cooperate fully with MINURSO in achieving those goals.

He says that during the reporting period, the three rounds of informal talks between the parties, their two meetings on natural resources and confidence-building measures, and the numerous bilateral consultations that his Personal Envoy held with them, confirmed that the parties continue to have the political will to meet, but not as yet to engage in substantive negotiations towards a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara, as required by Security Council resolutions.

It is possible that changes in the regional political environment will provide new opportunities, the report states. Absent a new framework, however, the Secretary-General’s

Personal Envoy will continue his established pattern of activities and encourage the development of new ideas.

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