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13 April 2009

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

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1813 (2008) of 30 April 2008, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2009 and requested me to provide a report on the situation before the end of the mandate period. This report covers developments since my last report dated 14 April 2008 (S/2008/251) on the situation concerning Western Sahara.

II. Recent developments in Western Sahara

2. Overall, the situation remained calm in the Territory. The Frente Popular de Liberación de Saguia el Hamra y Rio de Oro (Frente Polisario) marked its 35th anniversary on 20 May 2008 and the 33rd anniversary of the proclamation of the “Sahrawi Arab Democratic Republic” on 27 February 2009, holding public events on both occasions.

3. King Mohammed VI of Morocco addressed the nation on 30 July 2008, the ninth anniversary of his enthronement, to reiterate the need for respect for the country’s territorial integrity. He also called on Algeria to normalise ties between the two countries and reopen their common borders. Later, on the occasion of the 33rd anniversary of Morocco’s “Green March”, the King in another statement on 6 November 2008 announced his government’s intention to transfer power to the regions, which would include Western Sahara, as part of “decentralization” reform.

4. On 22 January 2009, the Frente Polisario declared an Exclusive Economic Zone for Western Sahara, which would extend 200 nautical miles from the coast of the Territory. Upon signing the declaration Frente Polisario Secretary-General Mohamed Abdelaziz said in a public statement that the declaration was based on “the people of Western Sahara’s right to self-determination and permanent sovereignty over their natural resources” and called on the European Union to suspend its 2005 Fisheries Agreement with Morocco.

5. A military coup that removed Mauritania’s elected President on 6 August 2008, was condemned by the Security Council. On 15 September, twelve Mauritanian soldiers were killed in a suspected ambush by a group linked to Al-Qaeda near Zouerate, a location in Mauritania some 140 kilometres from the nearest MINURSO team site, located in Mijek. As a result, the Mission restricted patrolling activities and further tightened security measures in all team sites east of the berm.

6. On 11 December 2008, European Union Commissioner for External Relations Benita Ferrero-Waldner met with Frente Polisario

leader Mohamed Abdelaziz for the first time. A delegation of the European Parliament travelled for the first time since 2002 to Western Sahara on 27 and 28 January 2009 to assess the situation of human rights in the Territory.

III. Activities of my Personal Envoy

A. Contacts with the parties and neighbouring States

7. Further to the call by the Security Council in its resolution 1813 (2008) for the parties to continue negotiations under my auspices without preconditions and in good faith, the Secretariat held numerous discussions with the parties and other interested actors regarding a fifth round of negotiations.

8. The mandate of Mr. van Walsum as my Personal Envoy ended in August 2008. In September 2008, I met with the Minister of Foreign Affairs of Morocco, Taieb Fassi Fihri, and discussed with him how best to move the negotiating process forward. Under-Secretary-General Pascoe visited Morocco on 14 and 15 October 2008 for further discussions on the issue. On 4 November 2008, I met with the Secretary-General of the Frente Polisario, Mohamed Abdelaziz. In these meetings, I reiterated to the parties my commitment to pursuing the process of negotiations as mandated by the Security Council. I also emphasised that future negotiations would build upon the progress made in the four rounds held at Manhasset, and that my new Personal Envoy would be guided by Security Council resolution 1813 (2008) and earlier resolutions. He would also take into account the progress made to date seeking to achieve a just, durable and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara.

B. Status and progress of the negotiations

9. In January 2009, following consultations with the parties, I appointed Mr. Christopher Ross as my new Personal Envoy. Since then, Mr. Ross has held consultations with the representatives of Morocco and the Frente Polisario as well as with the representatives of the neighbouring countries, Algeria and Mauritania, and with the representatives of other interested countries. In addition, he undertook a visit to the region from 17-28 February 2009 for in-depth consultations on the current positions of the parties and on ways to move the process of negotiations into a more intensive and substantive phase.

10. On 19 and 20 February my Personal Envoy met in Rabat with the Prime Minister, Mr. Abbas El Fassi, the Minister for Foreign Affairs and Cooperation, Mr. Taieb Fassi Fihri, the Minister of the Interior, Mr. Chakib Benmoussa, and other senior Government officials and political leaders. On 20 February 2009, he met with

King Mohammed VI in Fez. In the Tindouf area, on 21 and 22 February 2009, he met with the Secretary General of the Frente Polisario, Mr. Mohamed Abdelaziz, as well as with the Frente Polisario Coordinator with MINURSO, Mr. M'Hamed Khadad, other senior Frente Polisario officials, and tribal leaders. He also visited the refugee camp of Smara and the 27 February School.

11. On 23 February 2009 my Personal Envoy met in Algeria with President Bouteflika, the Minister for Foreign Affairs, Mr. Mourad Medelci, the Minister Delegate for Maghreb and African Affairs, Mr. Abdelkader Messahel, and other senior Government officials. As he returned from the region, my Personal Envoy undertook consultations with Spanish, French, and United States authorities in Madrid and Paris on 26 and 27 February 2009 respectively, and Washington D.C. on 11 and 12 March 2009. In addition, he met with the Mauritanian Permanent Representative to the United Nations in New York on 10 March 2009.

12. Subsequent to his exploratory visit to the region, my Personal Envoy informed me that, during meetings in Rabat, Tindouf, and Algiers, all of his interlocutors confirmed their commitment to cooperate with the United Nations to reach a solution to the Western Sahara issue as soon as possible, as a prerequisite for the stability, integration, and development of the region and for the return of the Western Saharan refugees to normal life. He also informed me that the positions of the parties had not changed since the fourth round of negotiations at Manhasset from 16 to 18 March 2008 and remained far apart on ways to achieve a just, lasting, and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara, as called for by the Security Council (see S/2008/251, para. 43).

IV. Activities on the ground

A. Military

13. On 1 April 2009, the military component of MINURSO stood at 213 personnel, including administrative and medical unit officers, against the authorized strength of 230. The number of female military observers has decreased by two since my last report (S/2008/251). MINURSO has currently three female military observers, respectively from Croatia, Ghana and Mongolia. There are also six female officers as part of Malaysia's medical unit. I would welcome further deployments of female officers by troop-contributing countries, both for operational reasons and to improve the Mission's gender balance. During the period under review, the number of French, Spanish, and Arabic-speaking military observers decreased to 14, 25, and 17 currently-deployed officers respectively.

14. During the period from 1 April 2008 to 31 March 2009, MINURSO performed 8,507 ground patrols and 609 air reconnaissance patrols to visit units of the Royal Moroccan Army and the military forces of the Frente Polisario and to monitor their adherence to the military agreements. The Mission has over the year increased the use of helicopter patrols as an effective monitoring

method, and intends to continue to increase the number of helicopter missions in the coming months.

15. MINURSO continued to enjoy good relations with the Royal Moroccan Army and the Frente Polisario armed forces. However, both sides continued to abstain from dealing directly with each other. All known contact between the two armed forces took the form of written communications through MINURSO.

16. Violations of military agreement No.1 by both parties, excluding those pertaining to the freedom of movement of MINURSO military observers, decreased. MINURSO observed and recorded 11 new violations by the Royal Moroccan Army, a slight decrease compared to 14 recorded between April 2007 and April 2008, and seven new violations by the Frente Polisario, a significant decrease compared to 22 recorded during the same period in 2007-2008. Violations by the Royal Moroccan Army included the construction of living accommodations as well as other administrative buildings in subsectors Mahbas and Oum Dreyga without authorization by MINURSO and the continuation of building works after expiry of the authorized time period without request for an extension. The movement of a Royal Moroccan Army logistics convoy on 14 November 2008 and of troops and equipment on four separate occasions in January 2009 without prior notifications of MINURSO also constituted violations of military agreement No. 1. The Secretary General of the Frente Polisario wrote to me on 30 December 2008 and 22 January 2009 to complain about the alleged reinforcement of the berm by the Royal Moroccan Army in subsector Mahbas and Oum Dreyga. MINURSO conducted an investigation and found these claims unsubstantiated. However, MINURSO observed that, in Oum Dreyga, the Royal Moroccan Army had diverted the original path of a trench in two segments totaling approximately one kilometer length in violation of military agreement No. 1. Finally, an incursion of Royal Moroccan Army equipment into the buffer strip on 11 February 2009 also constituted a violation.

17. Violations of military agreement No.1 by the Frente Polisario included incursions in the buffer strip, concentration of military forces in Tifariti on 20 May 2008, as part of the 35th anniversary of the Frente Polisario, and the establishment of a new observation post in the restricted area close to Agwanit, without authorization by MINURSO.

18. There has been no change in the status of long-standing violations by both sides since my last report to the Security Council (S/2008/251).

19. Since my last report (see S/2008/251, para. 20), the Royal Moroccan Army reported eight alleged violations of military agreement No. 1 by the Frente Polisario to MINURSO. One report referred to shots allegedly fired inside the buffer strip and the remaining seven related to the presence of Frente Polisario soldiers and vehicles, also inside the buffer strip. After investigation, MINURSO confirmed one claim pertaining to the presence of military personnel in the buffer strip on 24 September 2008 in subsector

Mehaires which was recorded as a violation of military agreement No. 1. The remaining allegations could not be confirmed by MINURSO.

20. During the reporting period, the Royal Moroccan Army complained to MINURSO about ten demonstrations held by the Frente Polisario inside the buffer strip, which is a heavily mined area, in the areas of Bir Lahlou and Mehaires. It should be recalled that military agreement No.1 does not pertain to civilian activities and, therefore, does not prohibit civilians from entering the buffer strip. Morocco protested the demonstrations as provocative to its soldiers, who are posted at the strong points along the berm, and were allegedly subjected to stone-throwing and insults from demonstrators. MINURSO received prior notification by the Frente Polisario of only two of the ten demonstrations protested by the Moroccan authorities. In both cases, the Mission dispatched helicopter and ground patrols and observed the presence of Frente Polisario military personnel and equipment in the buffer strip, in violation of military agreement No. 1. Most demonstrations, which generally consist of small groups of mostly international students and civil society representatives in support of Frente Polisario, took place without incidents. However, in a demonstration of about 150 expatriate Western Saharan students near Mehaires, close to the berm, on 20 August 2008, the demonstrators threw stones at a MINURSO patrol vehicle, that came to monitor the situation, and at Moroccan soldiers posted at a nearby strong point. Members of the Frente Polisario armed forces present at the scene did not intervene. MINURSO formally protested the incident to the Frente Polisario.

21. Also during the reporting period, the Frente Polisario submitted four allegations against the Royal Moroccan Army to MINURSO. Two of these allegations pertained to small and heavy weapons fire near the berm and one allegation related to the alleged entry of Royal Moroccan Army soldiers into the buffer strip, none of which MINURSO could confirm. The remaining claims related to the alleged reinforcement of the berm. As described above (see para. 16), a MINURSO investigation established that, although the Royal Moroccan Army was merely undertaking routine maintenance of the defence line which had been approved by MINURSO, military agreement No. 1 had been violated in two instances (continuation of building works after expiry of the authorized time period without request for an extension, and diversion of the trench path of approximately one kilometer). In September 2008, the Royal Moroccan Army conducted the redeployment of approximately 1,500 to 2,000 infantry soldiers from their previous positions at the berm to new observation posts along a line running parallel to the berm some 30 kilometres to the west, reportedly as a “preventive measure against trafficking and smuggling” of goods and people. In December 2008, these same troops were redeployed from the 30 kilometre location to new positions 15 kilometres west of the berm, allegedly to facilitate logistical supply and restore pastures and water to herdsmen in the areas of the initial deployment.

22. MINURSO approved several requests by the Royal Moroccan Army for the construction of new military buildings to include butcheries, cold storage rooms and generator houses in battalions and

equivalent sized units. MINURSO was also notified by the Frente Polisario of the construction of new living accommodation units in Tifariti with a view improving the living conditions of their soldiers.

23. Over the past year, the parties imposed significantly fewer restrictions on the freedom of movement of MINURSO military observers as per military agreement No. 1. The Royal Moroccan Army committed 75 freedom-of-movement violations over the past year, between April 2008 and March 2009, as compared to 563 over the period between April 2007 and March 2008. They were committed by company-level commanders in subsectors Guelta Zemmour, Oum Dreyga and Al Bagary, who denied military observers access to command posts in the strong points. In December 2008, MINURSO met with the sector commanders of the Royal Moroccan Army to reiterate their obligation under military agreement No. 1 to grant freedom of movement to military observers. Since 1 January 2009, MINURSO has recorded no new freedom-of-movement violation by the Royal Moroccan Army. During the past year, the Frente Polisario committed two freedom-of-movement violations, as compared to 187 in the period between April 2007 and March 2008. I welcome this positive trend and I urge both parties to pursue their commitment ensuring that the freedom of movement of MINURSO military observers is guaranteed in compliance with paragraph 4 of military agreement No.1.

24. Since my last report to the Council, the Geographic Information System (GIS) cell in MINURSO has been working with the Joint Mission Analysis Center (JMAC) to maintain a geo-database of all military units and assets and continues to produce operational and thematic maps for the use of military and civilian personnel. With a view to increasing the operational effectiveness of military observers deployed in the team sites, the GIS cell is currently preparing 1:100,000 scale military operations maps.

25. All nine MINURSO team sites have VHF, satellite telephone and VSAT communications. There is an ongoing programme to improve VHF communications through the construction of new antenna towers or relocation of antennas to higher grounds. Two sites have been completed to date; the remaining sites are to be completed by the end of 2009.

26. MINURSO continued to produce locust monitoring reports compiled by the team sites, at the rate of once a week from October to April (rainy season) and once a month from April to October (dry season). A total of 21 reports were sent to the Food and Agricultural Organization for global monitoring purposes during the period under review.

B. Mine action

27. Since my last report, MINURSO has continued to expand its activities with the parties regarding military agreements Nos. 2 and 3.

With the aim of diminishing the threat of mines and unexploded ordnance, joint mine action efforts have greatly improved the quality and scope of data collection regarding the contamination of explosive remnants of war. Continued improvements to the level of safety and security of UN personnel working in contaminated areas were also achieved. This has been achieved through the use of new data, more extensive safety training, revised procedures for emergency response, and notably the addition of a rapid response capacity for MINURSO to deal with mine accidents east of the berm.

28. Unfortunately, this reporting period also saw an increase in the number of mine accident involving the local population, according to reports (not all of which could be verified by United Nations military observers) received by MINURSO's Mine Action Coordination Centre by a variety of sources. A total of 18 accidents occurred in 2008 (12 on the west side of the berm and six on the east side), which constitutes an increase from the eight accidents previously reported in 2007 (S/2008/251, para 27). While this increase was likely due, in part, to better and more intensive accident information collection, heavy rains during the beginning of the year were also a key factor in creating a spike of accidents related to mines and unexploded ordnance. Notably, the three accidents reported for January and February 2008 (S/2008/251, para. 27) increased in number to eight during the first two months of 2009.

29. During the period, MINURSO continued to build on the progress achieved in the area of information management with the Geneva International Centre for Humanitarian Demining. The Information Management System for Mine Action has been provided to the Royal Moroccan Army and the international non-governmental organization Landmine Action. This development will allow the continued improvement of speed and efficiency in recording data on hazardous areas and de-mining operations.

30. The Royal Moroccan Army continued its efforts to destroy mines, unexploded ordnance (UXO) and expired ammunition, responding to requests for clearance by the United Nations and from the local population, in addition to its on-going de-mining efforts (see S/2008/251, para 28). The Royal Moroccan Army reported that it had processed 420 square kilometres of suspected hazardous areas with their de-mining units between 1 May 2008 and 28 February 2009. MINURSO monitored the destruction by the Royal Moroccan Army of 70 anti-personnel mines, 62 anti-tank mines, and 1,644 items of large calibre UXO, as well as the destruction of 1,500 mines and close to 10,000 items of other explosive ordnance from stockpiles.

31. I am pleased to note that international non-governmental organisation Landmine Action, in cooperation with the Frente Polisario, achieved a milestone during this reporting period, with the completion of data collection for a survey of contaminated areas east of the berm (excluding the buffer strip). The survey found a total of 199 dangerous areas, along with 412 spots contaminated by unexploded ordnance. This data will be analysed and form the basis of a report that will enhance the efficiency of clearance efforts in those areas. None of the mined areas east of the berm have been fenced or marked to date, however, a marking and fencing initiative is planned

for 2009-2010, if resources are available. Given the difficulty in conducting mine risk education with nomadic populations, this factor alone would greatly enhance the safety of the local population.

32. Between May 2008 and the end of February 2009, Landmine Action has cleared more than 2,500,000 square meters of high priority areas. The majority of the land cleared was contaminated by cluster munitions. A total of 243 items of explosive ordnance and one mine were also destroyed during the period.

C. Prisoners of war, other detainees and persons unaccounted for

33. The International Committee of the Red Cross continued to work with the concerned parties and families in pursuing the question of persons still unaccounted for in relation to the conflict.

D. Assistance to Western Saharan refugees

34. The Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP) continued to provide assistance and protection to the Western Saharan refugees in the camps near Tindouf, Algeria, in partnership with the World Health Organization (WHO), the European Commission Humanitarian Office (ECHO), the Spanish Agency for Cooperation and Development (AECID) and several international and local non-governmental organizations.

35. The provision by WFP of 125,000 monthly general feeding rations to the Western Saharan refugees continued throughout the reporting period, along with school feeding and supplementary feeding for malnourished children under five years old and pregnant and nursing mothers. Overall, WFP distributed 24,896 tons from January 2008 through January 2009, with food commodities required for the remaining period up to end April already in stock in warehouses in Rabouni. Since my last report, the basic food basket was diversified to include barley and rice, and a wheat and soy blend (WSB) was replaced with a corn and soy blend (CSB) to account for the nutritional needs of the refugee population. WFP concluded a bilateral agreement with the Government of Spain to purchase gofio (toasted corn meal), a staple food for the Western Saharan people, which will be distributed to the refugees from April 2009 in addition to the regular food basket. Finally, UNHCR also provided complementary foods, including 64 tons of tea and 27 tons of yeast, and, together with the Government of Algeria, cooking gas for the refugees.

36. Despite these efforts, a nutrition assessment study conducted in May 2008 by WFP and Medicos del Mundo, a Spanish non-governmental organization, revealed that malnutrition remained a

major problem in the camps. Following an inter-agency initiative to develop a nutrition strategy, WFP and UNHCR launched a joint mission to assess how to improve the impact of their nutrition interventions.

37. In the water and sanitation sector, UNHCR works with a Spanish non-governmental organization, Solidaridad International Andalucía, as implementing partner responsible for the construction and maintenance of a water supply system in each of the four camps. To date, a project putting in place a network of water connections, which was initiated in 2007 as a pilot scheme in one section of Awsard camp, has been successfully expanded in the course of the year 2008 to cover the entire camp. It is planned to initiate the same system in Smara camp in 2009, with continuing funding from ECHO.

38. UNHCR continued to support the education sector through the provision of a large number of school books, sport clothing and uniforms for schoolchildren and teachers, beds, mattresses and blankets for the camps' boarding school, and kitchen equipment. A pilot project was initiated in Dakhla camp to provide incentives to motivate and retain skilled educators and teachers. Support to vocational training continued with a particular focus on women, youth and handicapped persons. UNHCR also supported the training of law professionals by providing equipment and conducting seminars for lawyers and judges.

39. Finally, UNHCR worked with international non-governmental organizations to support a nursing school by conducting training for nurses, chief nurses, and midwives. Medical teaching material, as well as consumables and laboratory equipment were also provided, with a view to supporting the education and training of medical personnel. In 2008, UNHCR also helped building and equipping a maternity and upgrading the sanitary facilities in the hospital in Rabouni camp.

E. Confidence-building measures

40. UNHCR, with logistical support of MINURSO, continued to implement its programme of confidence-building measures in close cooperation with the authorities of the Frente Polisario and Morocco.

41. Exchanges of family visits continued unabated thanks to the efforts of UNHCR and MINURSO and the good cooperation of the parties concerned. Between April 2008 and March 2009, 36 family visits round trip were conducted and 1,114 persons travelled to the refugee camps near Tindouf, while 1,088 travelled to cities in the Territory west of the berm. Following a new round of registrations, the number of Western Saharans from both within the Territory and the refugee camps near Tindouf who applied to participate in the programme rose to 41,134 (see S/2008/251, para. 42). Since the beginning of the exchange of family visits in November 2004, some

7,858 persons, mostly women, children and elderly, participated in the family visits.

42. Free-of-charge telephone service between the refugees in the Tindouf camps and their family members in the Territory continued to be provided, through telephone centres in four refugee camps. Between January 2004, when the service was launched, and March 2009, over 105,705 telephone calls were made, of which 60 per cent were placed by women. UNHCR is also pursuing the establishment of a telephone centre in the remote refugee camp of Dakhla, southwest of Tindouf, Algeria.

43. Following the talks between the representatives of Morocco and the Frente Polisario in Manhasset in March 2008, and pursuant to Security Council resolution 1813 (2008) of 30 April 2008, UNHCR embarked on a process of negotiations with the concerned parties with a view to expanding the family visits through land transportation. To that end, UNHCR is seeking the agreement of the Frente Polisario and Morocco, as well as of the Government of Algeria on road transportation modalities.

44. UNHCR is also considering the introduction of additional activities, including joint summer camps for children from the Territory and the refugee camps, as well as exchange of family visits on special social occasions, such as weddings, funerals and hajj. UNHCR has made several proposals to the parties as well as kept the donor community involved. The proposal to expand the programme of confidence-building measures comes in response to the frustration expressed by the beneficiaries with regard to the relatively limited capacity of the present programme.

45. MINURSO continued to support, on a reimbursement basis, the implementation of the programme of confidence-building measures. MINURSO provided aircraft, personnel and ground transportation for the programme. United Nations police officers facilitated airport procedures at arrival and departure points, and accompanied UNHCR staff on their visits to beneficiaries. In addition, a doctor or a nurse from the Malaysian medical unit of MINURSO accompanied each flight. MINURSO also continued to provide logistical, security and administrative support to UNHCR.

46. The successful implementation of the confidence building measures depends on the support of donors and the funding is unpredictable despite repeated calls by the Security Council. Without donor commitment and financial support, UNHCR will not be able to maintain or expand the confidence-building measures, as required.

F. Irregular migrants

47. Since my last report to the Council, six irregular migrants remained in the Territory under the care of the Frente Polisario in Bir Lahlou. Of the six, five (four from Ghana, one from Burkina Faso) agreed to be voluntarily repatriated to their country of origin and were

handed over to the International Organization for Migration on 7 August 2008. The last migrant, from Nigeria, remains in Bir Lahlou.

G. Human rights

48. The United Nations has no staff on the ground dedicated to monitoring respect for human rights in the Territory or in the refugee camps near Tindouf, since MINURSO does not have a specific human rights mandate and the Office of the High Commissioner for Human Rights (OHCHR) has no presence in the Territory or in the refugee camps near Tindouf. Nonetheless, the United Nations recognizes its duty to uphold human rights standards in all its operations, including those relating to the Western Sahara. Both parties to the conflict often accuse each other of human rights violations in communications with the United Nations or in the media.

49. During the period under review, Frente Polisario Secretary-General Mohammed Abdelaziz wrote me on a number of occasions to express concern about alleged violations of the human rights of Western Saharans in the Territory, including the use of disproportionate force by the Moroccan police to disperse peaceful demonstrators, forcible searches of private residences, unlawful detentions, and the mistreatment and abuse of detainees. Mr. Abdelaziz also reported attacks against Western Saharans by a group of Moroccan individuals in Einterft, 65 kilometers north of Dakhla, on 21 July 2008, when several Western Saharans were allegedly wounded and Western Saharan-owned property destroyed.

50. Morocco's Permanent Representative to the United Nations also wrote to me during the period under review to raise an alleged diplomatic and media campaign being waged by the Frente Polisario and Algeria for the purpose of providing a distorted picture of the situation of human rights in Western Sahara. On several occasions, in meetings with senior United Nations officials, Moroccan interlocutors expressed concern over the humanitarian situation in the Tindouf camps, the living conditions of the refugees, and alleged violations of their human rights.

51. On 21 September 2008, Moroccan media outlets reported incidents in Smara, including unruly conduct by some youths and the hurling of handmade explosives at the vehicle of the local Moroccan judicial police chief by unknown assailants. The incidents were said to have led to police operations in the area to find and apprehend suspects. Two days later, Frente Polisario-affiliated media claimed that Moroccan security forces had injured and detained several Western Saharan protesters during a peaceful demonstration.

52. On 29 and 30 October 2008, the Moroccan Government's Consultative Council on Human Rights held a public meeting in Laayoune with the Royal Advisory Council for Saharan Affairs and a number of Moroccan and local non-governmental organizations to discuss the situation of human rights in Western Sahara. As part of its conclusions, the meeting reviewed the progress made in human rights

and public freedoms and highlighted the need to enhance efforts to ensure better protection and promotion of human rights, with particular safeguards for union and political freedoms.

53. A European Parliament mission visited Laayoune on 27 and 28 January 2009 to review the human rights situation in the Territory. This followed a 2006 European Parliament delegation visit to the refugee camps in Tindouf, Algeria. The most recent mission, which met with a broad spectrum of representatives of human rights organizations in Laayoune, was composed of members of an ad hoc delegation for Western Sahara and of a delegation for relations with the countries of the Maghreb.

H. Administration of the Mission and security measures

54. Security work to bring the Mission into compliance with the United Nations minimum operating security standards is ongoing. All nine MINURSO team sites were equipped with perimeter defence walls, observation towers, security lighting, entrance barriers and gates. Further to the reported arrest by Moroccan authorities in Laayoune of the members of an alleged terrorist cell suspected to target MINURSO in early September 2008, MINURSO, in liaison with the local authorities, undertook a series of measures to enhance the security of the Mission's staff and premises.

55. Facility and infrastructure improvements continued, both at the team sites and at Mission headquarters in Laayoune, with the support of the local authorities. In addition to the installation of water treatment plants at selected team sites, the Mission is examining the feasibility of installing water bores at all team sites. Since my previous report, the Mission's efforts for the rehabilitation of desert airfields at team sites has been ongoing, thanks to the provision of engineering capability by the Royal Moroccan Army. Finally, the Mission launched an environmental protection programme in line with my efforts towards "greening the UN".

I. Conduct and discipline issues

56. Conduct and discipline continues to be a high priority for the Mission. Although the total number of new cases uploaded in the misconduct tracking system during the reporting period was no more than 27, the Mission leadership remained vigilant and continued to pursue prevention efforts.

57. As reported in my last report, a Board of Inquiry was convened to investigate the vandalism of prehistoric rock art in Western Sahara, principally in the locality of Devil Mountain (Rekeiz), near Agwanit, and also in the caves located near Tifariti. The Board recommended that measures be taken in order to prevent any further recurrence of the damage, by means of signage calling for the respect of all archaeological sites. Appropriate disciplinary action was taken

against two MINURSO military observers because of their responsibility in the vandalism. The Mission is working on plans to restore the defaced sites.

V. African Union

58. The observer delegation of the African Union to MINURSO, led by its Senior Representative, Yilma Tadesse (Ethiopia), continued to provide support and cooperation to the Mission during the period under review. I wish to reiterate my appreciation to the African Union for its contribution.

VI. Financial aspects

59. The General Assembly, by its resolution 62/268 of 20 June 2008, appropriated the amount of \$45.6 million for the maintenance of MINURSO for the period from 1 July 2008 to 30 June 2009. Therefore, should the Security Council approve my recommendation set out in paragraph 68 of the present report with respect to the extension of the mandate of MINURSO, the cost for the maintenance of the Mission during the extension period will be limited to resources approved by the General Assembly.

60. As at 31 December 2008, unpaid assessed contributions to the special account for MINURSO amounted to \$54.2 million. As a result of the outstanding assessed contributions, the Organization has not been in a position since April 2002 to reimburse the governments providing troops for the troop costs in the amount of \$2.5 million. The total outstanding assessed contributions for all peacekeeping operations at 31 December 2008 amounted to \$2,884.2 million.

VII. Observations and recommendations

61. I welcome the parties' commitment to continue the process of negotiations as stated in the final communiqué issued at their fourth round of talks held in March 2008 in Manhasset, a position which was reiterated in the meetings held with my Personal Envoy during his visit to the region in February 2009. As it would appear from the consultations held thus far that little has changed since the last round of negotiations to facilitate a positive outcome of a fifth round, careful preparation is needed. In this light, my Personal Envoy has suggested to hold one or more small, informal preparatory meetings to the parties. The parties have indicated their agreement with this approach.

62. Based on the four rounds of talks held under the auspices of the United Nations in 2007 and 2008, and taking into account the latest consultations held by my Personal Envoy, I recommend that the Security Council reiterate its call upon the parties, Morocco and the Frente Polisario, to negotiate in good faith, without any preconditions, and to show political will to enter into substantive discussions and

ensure the success of the negotiations. My Personal Envoy is available to brief the parties as well as the Security Council on his assessment of the way forward.

63. I welcome the efforts of the parties to clear the Territory of mines and unexploded ordnance and I am pleased with the notable humanitarian mine action progress achieved during this period. I commend the Royal Moroccan Army for its efforts in the destruction of hazardous explosive ordnance, and highlight its request for more resources, such as mechanical and detection equipment, in order to increase the pace and efficiency of its clearance work. I call upon donor countries to support the parties in order to take advantage of progress and investments made to date. I note with satisfaction the increased cooperation and sharing of information between the Mission and the Royal Moroccan Army, and the work being done by Landmine Action east of the berm. These activities prove valuable and relatively inexpensive multipliers in the security and effectiveness of the Mission and have a direct positive effect on the safety of United Nations personnel. I encourage the parties to further work with MINURSO to establish direct cooperation and communication through a joint military verification commission and other forums to facilitate their work on mine clearance and other issues of common interest. In order to ensure that this valuable work can continue, as well as the provision by Landmine Action of an emergency capacity for mine accident response east of the berm, additional support for the United Nations mine action effort in Western Sahara will be required. I also would like to highlight the contributions of Norway to the progress achieved to date.

64. I am pleased to note that during the reporting period there was a decrease in the number of reports of restrictions by the parties on the freedom of movement of MINURSO military observers. Nevertheless, I remain concerned that restrictions have continued on the movement of United Nations military observers seeking to visit the parties' units, headquarters and strong points in some specific areas. It is the responsibility of the parties to ensure that violations are not committed by their military forces, and I would encourage the parties to adhere fully to the provisions of the military agreements and to extend their full cooperation to MINURSO.

65. The human dimension of the conflict, including the plight of the Western Saharan refugees, is a continuing concern. In this context, I am pleased that the exchanges of family visits between the Territory and the refugee camps in the Tindouf area continued without interruption during the reporting period. Further to the parties' agreements on the expansion of the programme to include visits by ground transportation (see S/2008/251, para. 43), I look forward to progress on the determination of the modalities for the land crossings, as this would enable the participation of a significantly higher number of Western Saharans in the programme. I also urge the parties to continue to work with UNHCR and MINURSO to explore the possibility to expand the programme to include new activities. I am however concerned that this valuable humanitarian confidence-building measure is at risk and may have to be suspended if additional financial support is not forthcoming and I strongly urge the donor

community to contribute funds so that it can continue and expand during 2009 and beyond, as needed.

66. I would like to reiterate that the United Nations remains committed to upholding international human rights standards and to repeat my call to the parties to remain engaged in continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring respect for the human rights of the people of Western Sahara in the Territory and in the refugee camps (see S/2008/251, para. 71, and S/2007/619, para. 67).

67. In the existing circumstances on the ground, and in the light of my Personal Envoy's continuing efforts, I believe that the presence of MINURSO remains indispensable for the maintenance of the ceasefire in Western Sahara. Therefore, I recommend that the Security Council extend the mandate of MINURSO for a further period of one year, until 30 April 2010.

68. In conclusion, I wish to express my appreciation to Christopher Ross, my Personal Envoy, for his work in search of the resolution of the question of Western Sahara, and to Peter van Walsum who completed his appointment as my Personal Envoy in August 2008, for his tireless efforts towards a just, lasting, and mutually acceptable political solution. I also wish to thank my Special Representative, Julian Harston, who served with great dedication until the end of February 2009. Finally, I thank the Force Commander Major General Jingmin Zhao (China), currently in charge of MINURSO, as well as the men and women of MINURSO, for their work, under difficult circumstances, to fulfil the Mission's mandate.

Annex I

United Nations Mission for the Referendum in Western Sahara

Contributions as at 1 April 2009

<i>Country</i>	<i>Military observers^a</i>	<i>Troops^a</i>	<i>Civilian police^b</i>	<i>Total</i>
Argentina	1	0	0	1
Austria	2	0	0	2
Bangladesh	9	0	0	9
Brazil	10	0	0	10
China	12	0	0	12
Croatia	7	0	0	7
Djibouti	2	0	0	2
Egypt	18	0	3	21
El Salvador	6	0	3	9
France	13	0	0	13
Ghana	11	7	0	18
Greece	1	0	0	1
Guinea	5	0	0	5
Honduras	12	0	0	12
Hungary	7	0	0	7
Ireland	3	0	0	3
Italy	5	0	0	5
Malaysia	12	20	0	32
Mongolia	4	0	0	4
Nigeria	7	0	0	7
Pakistan	9	0	0	9
Paraguay	3	0	0	3
Poland	1	0	0	1
Russian Federation	10	0	0	10
Sri Lanka	3	0	0	3
Uruguay	4	0	0	4
Yemen	8	0	0	8
Total	185	27	6	218

^a Authorized Strength is 231, including the Force Commander.

^b Authorized Strength is 6.