

3. THE SITUATION CONCERNING WESTERN SAHARA

Decision of 2 March 1993 (3179th meeting): resolution 809 (1993)

On 26 January 1993, the Secretary-General submitted to the Security Council a report¹ on the situation concerning Western Sahara in which he gave, *inter alia*, an account of the outcome of various consultations held with the parties.

The Secretary-General recalled the basic positions of Morocco and the Frente POLISARIO regarding the provisions of the settlement plan², which related to the establishment of the voter lists.³ Morocco maintained that all persons having Saharan status had the right to participate in the referendum and that, accordingly, Saharans who for various reasons were omitted by the Spanish authorities in 1974 should be considered on the same basis as those who were counted; hence, Morocco regarded the list of persons counted in 1974 as a point of reference for the establishment of the voter lists. For its part, the Frente POLISARIO maintained that, in the initial agreement, the two parties had agreed that the 1974 list would be the sole basis for the application of the criteria for voter eligibility and that, accordingly, the Saharans counted in 1974 should constitute the vast majority of persons authorized to participate in the referendum, while Saharans omitted from the census should constitute an exception to that group. The two

1 S/25170. Annexed to the report are: an interpretation by the parties of the criteria for eligibility to vote and other instructions relating to the tasks of the Identification Commission.

2 S/21360.

3 Resolution 809 (1993), preambular para. 4.

parties thus had radically opposing points of view, with one attaching primary importance to the list of persons counted in 1974, and the other considering that its importance was relative.

Referring to a series of talks held by his Special Representative with each of the parties from 25 August to 25 September 1992 on the interpretation of the criteria for participation in the referendum, the Secretary-General stated that the parties' opposing point of view concerning the basic question of the establishment of the voter lists largely accounted for their differences with regard to both the interpretation of the criteria and the equally important question of evidence in support of applications for participation in the referendum. The Frente POLISARIO had emphasized the special importance of written evidence emanating from the Territory, namely, authentic documents issued by the Spanish authorities in the Territory, while Morocco had stressed the equal importance, in a nomadic and traditional society, of oral testimonies and official documents, regardless of their source. Since the outcome of those talks were not conclusive, the Secretary-General had agreed to the holding of a meeting of tribal chiefs on 30 November and 1 December 1992 in Geneva to advise on questions relating to the means of identifying persons authorized to participate in the referendum. The Secretary-General reported that, because of differences relating to the powers of some participants designated by the Moroccan party, the consultative meeting had to be cancelled, despite the compromise proposals put forward by his Special Representative to the delegations of both parties in Geneva.

The Secretary-General also informed the Council on the referendum on constitutional reform held by the Government of Morocco on 4 September 1992, which resulted in the adoption of a series of proposed amendments to the Moroccan Constitution, one of which introduced the “Region” as a new administrative subdivision. In a public address on 8 September 1992, the King had announced that Western Sahara would form the first such Region and enjoy priority in terms of development. Following the address, municipal elections were held in Morocco and in the Territory of Western Sahara.

The Secretary-General stated that whatever hopes for a compromise that might have existed were frustrated by the inability to hold the planned meeting of tribal chiefs in Geneva. That set-back demonstrated starkly the futility of the efforts undertaken by his Special Representative over the past eight months to seek a way out of the existing deadlock. The Secretary-General therefore presented the following options to the Council: a) continuation and, if possible, intensification of talks between the two parties; b) immediate implementation of the settlement plan on the basis of the instruction for the review of applications for participation in the referendum appearing in the annex of the report⁴ of the previous Secretary-General - under that option, the implementation would have to proceed without the cooperation of one of the parties; and c) adopting an alternative approach not based on the settlement plan. Requesting Council guidance by way of a resolution, the Secretary-General said that depending on its decision on how

⁴ S/23299, annex.

best to proceed, the role and the strength of the United Nations Mission for the Referendum in Western Sahara (MINURSO) would have to be adjusted.

At its 3179th meeting, on 2 March 1993, the Security Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (New Zealand) drew the attention of the members of the Council to the text of a draft resolution⁵ prepared in the course of the Council's prior consultations. The draft resolution was thereupon put to the vote and adopted unanimously as resolution 809 (1993), which reads as follows:

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991 and 725 (1991) of 31 December 1991,

Recalling that in conformity with the settlement plan regarding the question of Western Sahara, as adopted by resolutions 658 (1990) and 690 (1991), it was for the Secretary-General to determine the instructions for the review of the applications for participation in the referendum, and that in its resolution 725 (1991) the Council welcomed the report of the Secretary-General of 19 December 1991,

Having considered the report of the Secretary-General of 26 January 1993 on the situation concerning Western Sahara,

Concerned by the difficulties and delays encountered in the implementation of the settlement plan, and in particular the persistent divergences between the two parties on the interpretation and application of the criteria for voter eligibility set out by the Secretary-General in his report of 19 December 1991,

Determined that the settlement plan be implemented without further delay in order to achieve a just and lasting solution,

Stressing the desirability of ensuring the full cooperation of both parties for the implementation of the settlement plan,

1. *Welcomes* the report of the Secretary-General of 26 January 1993 on the situation concerning Western Sahara,

⁵ S/25340.

2. *Invites* the Secretary-General and his Special Representative to intensify their efforts, with the parties, in order to resolve the issues identified in the report, in particular those relating to the interpretation and application of the criteria for voter eligibility,
3. *Invites* the Secretary-General to make the necessary preparations for the organization of the referendum of self-determination of the people of Western Sahara and to consult accordingly with the parties for the purpose of commencing voter registration on a prompt basis, starting with the updated lists of the 1974 census,
4. *Also invites* the Secretary-General to report to the Council as soon as possible and not later than May 1993 on the outcome of his efforts, on the cooperation of the parties and on the prospects and modalities for the holding of the referendum on a free and fair basis with a view that this take place by the end of the current year at the latest, and requests the Secretary-General to include in this report proposals for the necessary adjustments to the present role and strength of the United Nations Mission for the Referendum in Western Sahara,
5. *Urges* the two parties to cooperate fully with the Secretary-General in implementing the settlement plan regarding the question of Western Sahara, which has been accepted by them and approved by the Council in its resolutions 658 (1990) and 690 (1991), and in resolving the issues identified in the report of the Secretary-General (S/25170), in particular those relating to the interpretation and application of the criteria for voter eligibility.
6. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of the Russian Federation stated that his country had consistently supported United Nations efforts to provide for a just solution to the problem of Western Sahara, on the basis of respect for the rights of the people of Western Sahara, including the right to self-determination. His delegation favoured the speedy holding of the referendum, as any delays would not be in keeping with the interests of the peoples of the region and of the world community as a whole, and would create uncertainty about the issue of the continued presence in Western Sahara of United Nations personnel. He also stressed the need to take measures that would lead to mutually acceptable solutions and move the settlement process forward on the basis of appropriate decisions of the Security Council. His delegation believed that the resolution meant a reaffirmation of the support for the Secretary-General's efforts to organize a

referendum on self-determination for the people of Western Sahara, in cooperation with the Organization of African Unity (OAU).⁶

Decision of 28 May 1993: letter from the President of the Security Council to the Secretary-General

On 21 May 1993, pursuant to resolution 809 (1993) of 2 March 1993, the Secretary-General submitted to the Security Council an interim status report⁷ on the situation concerning Western Sahara, summarizing his efforts to expedite the implementation of the settlement plan.

The Secretary-General informed the Council of his decision to visit the mission area in the first week of June to make one more effort to seek a compromise solution to resolve outstanding issues, particularly those relating to the interpretation and application of the criteria for voter eligibility. He noted that during discussions held in March and April, both parties had confirmed their desire to proceed promptly with the registration of voters and to cooperate with MINURSO on that task. They had also agreed to the participation of tribal chiefs as well as observers from either side, in the registration process. In the light of those consultations, it had been decided to establish an Identification Commission,⁸ commencing with a nucleus of about 10 members. The Commission would start voter registration in June and would also draw up plans,

⁶ S/PV.3179, pp. 3-4.

⁷ S/25818.

⁸ For the Terms of reference of the Identification Commission, see S/26185, Annex II.

including resource requirements for expanding the identification process to include all potentially eligible voters, in order to complete preparations for the referendum by the end of the year, if possible.

The Secretary-General expressed the hope that his forthcoming visit to the mission area would underscore that the identification and registration process was not to be seen as an open-ended commitment, and that the settlement plan had to be implemented without further delay.

By a letter⁹ dated 28 May 1993, the President of the Security Council informed the Secretary-General that his interim report had been brought to the attention of the members of the Council. They understood the reasons for postponing the publication of his report and welcomed his decision to visit the region in the first week of June. The members of the Council also welcomed the establishment of the Identification Commission and hoped that it would complete its work as soon as possible. They looked forward to receiving a further report containing his recommendations concerning the organization of the referendum, as well as possible adjustments of MINURSO, at the earliest possible date after the completion of his visit, in order to respect the time-frame set out in the resolution 809.

⁹ S/25861.

Decision of 4 August 1993: letter from the President of the Security Council to the Secretary-General.

On 28 July 1993, the Secretary-General submitted to the Security Council a report¹⁰ on the situation concerning Western Sahara. The report outlined factual developments related to his visit to the mission area, from 31 May to 4 June 1993, and subsequent events.

The Secretary-General recalled that the aim of his visit was to urge the parties to accept a compromise solution with regard to the interpretation and application of the criteria for voter eligibility. To that effect, he had presented to the parties a comprehensive text¹¹ and had invited them to convey to him as early as possible their views. The Secretary-General noted at subsequent meetings that both sides had reaffirmed their commitment to the implementation of the peace plan in its entirety and their determination to move towards an early referendum. However, while stressing that they did not reject the proposed compromise, they had expressed reservations on certain provisions of the text. The Government of Morocco had reservations on specific provisions concerning tribal links with the Territory, but had since accepted the compromise. For its part, the Frente POLISARIO, in a favourable change of an earlier position, had conveyed its acceptance of all the criteria for voter eligibility. With regard to the compromise text, reservations were expressed on provisions relating to tribal links with the Territory and to the composition of the tribal chiefs invited to testify. The

¹⁰ S/26185.

¹¹ See Annex I of the Secretary-General's report.

Secretary-General reported that, shortly after his visit, the parties agreed to hold direct talks from 17 to 19 July 1993 at Laayoune in the presence of his Special Representative.

The Secretary-General also indicated that the Identification Commission had begun work on establishing with the authorities of both parties the detailed procedures for identification and registration, starting in the Laayoune and Tindouf areas.

In his conclusions, the Secretary-General pointed out that the intensification of efforts to overcome existing difficulties had contributed to the holding of direct talks between the parties, which, if sustained, would hopefully facilitate the implementation of the settlement plan. The exchange of views had sharpened focus on outstanding issues. Foremost among those was the urgency of the acceptance of the compromise on the interpretation and application of the eligibility criteria. He intended to submit in due course a full report to the Council.

By a letter¹² dated 4 August 1993, the President of the Security Council informed the Secretary-General as follows:

“The members of the Security Council welcome your report of 28 July 1993 on the situation concerning Western Sahara.

“The members of the Council fully support your efforts to make early progress on the preparations for holding the referendum in accordance with resolution 809 (1993) of 2 March 1993. They note that the Identification Commission has now begun preparatory work. They welcome the reaffirmation by the two parties of their commitment to the implementation of the peace plan in its entirety and, in particular, their encouraging responses to your compromise proposal concerning the interpretation and application of the criteria and their determination to work towards an early referendum.

“The members of the Council agree that the holding of direct talks between the two parties in Laayoune from 17 to 19 July 1993 is a positive development and share your hope that talks will soon resume.

¹² S/26239.

“The members of the Council reiterate their support for your renewed efforts to resolve outstanding issues so that an early referendum may be held, and hope they will soon receive your full report in this regard.”

Decision of 6 December 1993: letter from the President of the Security Council to the Secretary-General

On 24 November 1993, pursuant to resolution 809 (1993) of 2 March 1993, the Secretary General submitted to the Security Council a report¹³ on the situation concerning Western Sahara. It provided, *inter alia*, an account of the Secretary-General’s further efforts to resolve the issues still hindering the implementation of the settlement plan.

The Secretary-General recalled that the Frente POLISARIO had substantial reservations on some key provisions of the proposed compromise¹⁴ and had requested amendments to the text, whereas Morocco had rejected any modification of the text. Both parties had agreed that membership of a Saharan subfraction existing in the Territory was a prerequisite to eligibility under any of the five pertinent criteria. They disagreed, however, over which tribes or tribal units had a "clearly established" connection with, or were "existing" in, the Territory. Morocco was of the view that members of all subfractions of a given Saharan tribe should be considered, *a priori*, for participation in the referendum, including those not represented in the 1974 census. The Frente POLISARIO, on the other hand, contended that unless the vast majority of the members

13 S/26797.

14 S/26185, annex I. The Secretary-General had proposed, as a compromise, that the potential electorate encompass members of those Saharan tribal subfractions, but only those which were represented in the 1974 census, regardless of the number of individuals from those subfractions who were counted in the census.

of a given subfraction had been counted in the 1974 census, that subfraction should not be considered as existing in the Territory, and its members other than those already counted in the census should not be eligible to participate in the referendum. The Secretary-General reported that the Frente POLISARIO, however, maintained its reservations on his compromise text, as it remained concerned about the possible inclusion of members of some tribal units which it did not consider as existing in the Territory. In view of the persisting difficulties, it would obviously not be possible to meet the expectations and hold the referendum by the end of the year.

The Secretary-General hoped to submit a report to the Council in early 1994, together with a detailed timetable and recommendations for the necessary adjustments to the existing strength of MINURSO, with a view to holding the referendum in mid-1994. He pointed out, however, that any estimated date, as well as the implementation of the settlement plan, depended on the spirit of cooperation and forbearance of both parties. In the meantime, he proposed maintaining the current military and civilian strength of the Mission.

By a letter¹⁵ dated 6 December 1993, the President of the Security Council informed the Secretary-General as follows:

“The members of the Security Council welcome your report of 24 November 1993 and fully subscribe to the observations it contains. They also welcome the progress already achieved in narrowing the differences between the two parties.

“The members of the Council further agree that your compromise proposal referred to in paragraph 27 of your report is a sound framework for determining potential participation in the referendum for self-determination of the people of Western Sahara as

15 S/26848.

foreseen in the settlement plan. They welcome your determination to move ahead and proceed with voter registration and identification. They reaffirm your role as guarantor of an objective and impartial referendum and expect any difficulties with the compromise to be resolved by early 1994.

“While regretting that the timetable suggested in resolution 809 (1993) of 2 March 1993 cannot be maintained, the members of the Council support your goals of presenting a report to the Council early next year and holding the referendum no later than mid-1994. They underline the crucial importance they attach to these goals.

“The members of the Council confirm the full confidence they place in you and your Special Representative for a speedy settlement of the situation concerning Western Sahara in conformity with the settlement plan and with relevant resolutions of the Council. They urge both parties to cooperate fully with you and your Special Representative to that end.”

Decision of 29 March 1994 (3355th meeting): resolution 907 (1994)

On 10 March 1994, pursuant to resolution 809 (1993) of 2 March 1993, the Secretary-General submitted a report¹⁶ to the Council on the situation concerning Western Sahara.

The Secretary-General informed the Council that his Special Representative had visited the mission area from 2 to 13 January 1994 for consultations with the parties and the neighbouring countries on the situation and ways of resolving the remaining difficulties. He had provided assurances to allay the concerns of the Frente POLISARIO that, on the basis of the compromise, thousands of individuals foreign to the Territory might be included in the electorate. Those assurances were confirmed and further elaborated in a letter dated 4 February 1994 from the Special Representative to the representative of the Frente POLISARIO in New York, to follow up the explanatory note on the compromise that he had addressed to the parties on 27 September 1993.

¹⁶ S/1994/283 and Add.1 and Add.1/Corr.1.

The Secretary-General also informed the Council that the preparatory meeting between the Identification Commission and Moroccan officials, scheduled to be held on 25 October 1993 in Laayoune had been postponed because its date coincided with the expected resumption of direct talks between the two parties in New York. As a result, the timetable the parties had agreed upon had to be adjusted. The identification and registration process was launched on 3 November 1993. The Secretary-General noted, however, that the completion of the identification and final registration of all eligible voters remained uncertain in the absence of agreement by the Frente POLISARIO to the compromise as a whole.

The Secretary-General stated that he remained confident that his proposals constituted a sound compromise. In order to ensure that the referendum took place without any further delays he proposed the following options: (a) the Council would decide that the United Nations should proceed with the referendum, regardless of the cooperation of either party. The process of identification and registration should be completed by September 1994; (b) the Council would decide that the Identification Commission should continue its work during a prescribed period, for example until 30 June 1994, while the United Nations would continue its efforts to obtain the cooperation of both parties based on the compromise proposal. At the end of the prescribed period, the Council would decide on its next course of action¹⁷; (c) the Council would conclude, on the basis of the Secretary-General's report S/1994/283, that the cooperation of both

¹⁷ Resolution 907 (1994), paras. 4 and 6.

parties in the completion of the registration and identification process could not be obtained and would decide either to phase out the whole operation, within a given time-frame, or to suspend the registration and identification process, while retaining a reduced United Nations military presence to encourage respect for the cease-fire.

At its 3355th meeting, on 29 March 1994, the Security Council included in its agenda the report of the Secretary-General. After the adoption of the agenda, the President (France) drew the attention of the members of the Council to the text of a draft resolution¹⁸, prepared in the course of the Council's prior consultations, and read out a revision to its provisional text.

The draft resolution, as orally revised in its provisional form, was thereupon put to the vote and adopted unanimously as resolution 907 (1994), which reads as follows:

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991 and 809 (1993) of 2 March 1993,

Appreciative of the efforts undertaken by the Secretary-General and his Special Representative for Western Sahara to address concerns of both parties and implement the settlement plan regarding the question of Western Sahara, as adopted by the Council in its resolution 658 (1990) and 690 (1991),

Recalling the reports of the Secretary-General of 21 May, 28 July and 24 November 1993 on the situation concerning Western Sahara,

Recalling the letters dated 28 May, 4 August and 6 December 1993 from the President of the Security Council in response to those reports,

Having considered the report of the Secretary-General of 10 March 1994 and the annexes thereto,

18 S/1994/352.

Recalling paragraph 22 of the report of the Secretary-General,

Recalling that, in conformity with the settlement plan, it was for the Secretary-General to determine the instructions for the review of the applications for participation in the referendum,

Urging the two parties to cooperate fully with the Secretary-General in implementing the settlement plan which has been accepted by them,

Committed to reaching a just and lasting solution of the question of Western Sahara,

1. *Welcomes* the report of the Secretary-General of 10 March 1994 on the situation concerning Western Sahara;
2. *Welcomes* the compromise proposal of the Secretary-General concerning the interpretation and application of criteria for voter eligibility as a sound framework for the determining eligibility for participation in the referendum for self-determination of the people of Western Sahara and takes note of the explanatory note of the Special Representative dated 27 September 1993 and the letter dated 4 February 1994 from the Special Representative, included in the annexes to the report of the Secretary-General of 10 March 1994;
3. *Expresses its deep concern* over continuing difficulties and delays in the work of the Identification Commission;
4. *Agrees* to the course of action as outlined in option B in paragraph 25 of the report of the Secretary-General of 10 March 1994, that the Identification Commission should complete the analysis of all applications received and proceed with the identification and registration of potential voters by 30 June 1994, on the basis of the compromise proposal of the Secretary-General, the terms of reference of the Identification Commission and the relevant provisions of the settlement plan, and supports the intention of the Secretary-General to continue his efforts to obtain the cooperation of both parties on that basis;
5. *Requests*, in this context, the Secretary-General to report to the Council not later than 15 July 1994 on progress achieved in the work of the Identification Commission, as well as other aspects relevant to the fulfilment of the settlement plan with a view to deciding on further action necessary for fulfilment of the United Nations Mission in Western Sahara;
6. *Urges* strict compliance with the timetable for option B as laid out in paragraph 24 (a) of the report of the Secretary-General of 10 March 1994, with a view to holding the referendum by the end of 1994;
7. *Calls* for full cooperation with the Secretary-General, his Special Representative, and the Identification Commission in their efforts to implement the settlement plan, which has been accepted by both parties;
8. *Decides*, in the event that the Secretary-General notifies the Council in the report called for in paragraph 5 above that the referendum cannot be held by the end of 1994 and in view of obligations of the parties to cooperate fully with the Secretary-General, to consider the future of the United Nations Mission for the Referendum in Western Sahara, including an examination of options regarding its mandate and continued operations;
9. *Urges* the Secretary-General, in the context of the implementation of paragraph 4 above, to make every effort to maintain the Mission at the strength needed to carry out option B, and also invites him to make proposals for the necessary adjustments to the present role and strengths of the mission, as part of the report called for in paragraph 5 above;

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

Decision of 29 July 1994 (3411th meeting): statement by the President of the Security Council.

On 12 July 1994, pursuant to resolution 907 (1994) of 29 March 1994, the Secretary-General submitted a report¹⁹ to the Security Council on the situation concerning Western Sahara. The Secretary-General reported that the identification process had been launched on 1 June 1994, after the two parties had agreed on two tribal subfractions with which to start, and on the relevant sheikhs to assist the Identification Commission to determine the identity and eligibility of members of those subfractions. The question of the designation of OAU observers,²⁰ however, could not be resolved in time to enable the Commission to start its work as scheduled. In a letter dated 19 August 1993 addressed to the Secretary-General, the Minister for Foreign Affairs of Morocco had noted that the OAU observers had been designated from among officials of the secretariat of an organization which, in admitting the pseudo "Sahrawi Arab Democratic Republic" (SADR) as a member, had already prejudged the outcome of the referendum. The Minister stated that Morocco would acquiesce in the participation of the OAU only if the latter adopted "a rational position with regard to the right of the populations of Western Sahara for self-determination, by at least suspending the participation of the 'pseudo SADR' in the activities of OAU". The Frente POLISARO, for its part, accepted

¹⁹ S/1994/819.

²⁰ Under the settlement plan, the referendum would be organized and conducted by the United Nations, in cooperation with the OAU. See S/21360, paras. 26 and 39.

the status quo conferred on the OAU observers, and later, stressed that the identification operation could only begin with an OAU presence. The Secretary-General indicated that despite extensive consultations, the problem had not yet been settled. Meanwhile, the Identification Commission had collected a total of over 75,000 completed applications forms, of which 20,000 had already been processed. The Commission intended to set 31 August 1994 as the deadline for the receipt of applications.

The Secretary-General reported further, that assuming that the Identification Commission would soon be able to proceed with the identification and registration of potential voters, and that the Council subsequently decided to hold the referendum, he would recommend in his next report that the transitional period should start on 1 October 1994 and end with the proclamation of the results of the referendum which should take place on 14 February 1995, as proposed in the revised timetable annexed to his report²¹. On the basis of the above, he would submit to the Council a final progress report before the end of August 1994.

At its 3411st meeting, on 29 July 1994, the Security Council included in its agenda the report of the Secretary-General. After the adoption of the agenda, the President (Pakistan) said that, following consultations, he had been authorized to make the following statement²² on behalf of the Council:

“The Security Council takes note with satisfaction of the report of the Secretary-General of 12 July 1994 on the situation concerning Western Sahara as well as the oral report by the Secretariat on 28 July 1994. It welcomes the progress made to date on the issues outlined in the report of the Secretary-General towards the implementation of the settlement plan in accordance with the relevant resolutions of the Council. It commends, in particular, the work of the

21 S/1994/819, Anex.

22 S/PRST/1994/39.

Identification Commission and the efforts of the Deputy Special Representative pursuant to resolution 907 (1994) of 29 March 1994.

“The Council notes that, in the light of delays in the registration process, the Secretary-General has proposed a revised timetable for the organization of the referendum for self-determination of the people of Western Sahara on 14 February 1995. It looks forward to the next report of the Secretary-General, at the end of August 1994, on the basis of which it hopes to be able to take appropriate decisions on the organization and timing of the referendum. In the meantime, it welcomes the intention of the Identification Commission to set 31 August 1994 as the deadline for receipt of voter application forms.

“The Council welcomes the goodwill shown by the parties thus far and urges them to continue to cooperate with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara to ensure the earliest possible implementation of the settlement plan.”

Decision of 15 November 1994 (3457th meeting): statement by the President of the Security Council

On 5 November 1994, pursuant to resolution 907 (1994) of 29 March 1994 and the statement by the President of the Security Council of 29 July 1994, the Secretary-General submitted to the Council a report²³ on the situation concerning Western Sahara in which he provided, *inter alia*, an account of further progress made by MINURSO in the identification and registration process.

The Secretary-General reported that following extensive consultations with the Chairman of the OAU, its Secretary-General and other interested parties, to overcome the difficulties over the OAU observers, the Chairman of OAU had provided a "unique and indivisible" list of four observers. Because of the unavailability of one newly designated observer and delays in the arrival of his replacement in the Mission area, however, the

²³ S/1994/1257.

identification and registration of potential voters did not begin until 28 August 1994. The Secretary-General noted that only some 4,000 potential voters had been identified and interviewed so far, equivalent to less than 2 per cent of the total number of application forms, and the potential scale of the operation had been greatly increased by the last-minute flood of applications. The operation, he said, was logistically far more complex than expected because members of the same tribal subgroups, who had to be identified individually with the assistance of their respective sheikhs, were dispersed in different locations and means of communication were limited. Nor was it possible to predict at that stage the number of appeals that might be lodged or the time required to process them.

The Secretary-General stated that he would report further to the Council on the organization and timing of the referendum after his forthcoming visit to the region. He also intended to dispatch to the field, in the immediate future a technical team to reassess the logistical and other requirements for the possible deployment of MINURSO at full strength. In the meantime, he proposed to maintain the existing military and civilian strength of MINURSO.

At its 3457th meeting, on 15 November 1994, the Security Council included in its agenda the report of the Secretary-General. After the adoption of the agenda, the President (United States) said that, following consultations, she had been authorized to make the following statement²⁴ on behalf of the Council:

²⁴ S/PRST/1994/67.

“The Security Council notes the report of the Secretary-General of 5 November 1994. It shares the view of the Secretary-General that the launching of the identification and registration of potential voters on 28 August 1994, in the presence of the observers as agreed, marked a significant step towards the fulfilment of the United Nations mandate on Western Sahara.

“The Council calls upon the two parties to maintain their cooperation with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in their efforts to implement as soon as possible the settlement plan in accordance with the relevant resolutions of the Council.

“The Council is, however, concerned about the slow speed of the identification process, in particular the fact that only a very small proportion of the potential voters have been identified and interviewed to date. While recognizing the difficulties involved, including the handling of a large number of last-minute applications, the Council urges the two parties to exert all possible efforts to facilitate the work of the Mission, and urges the earliest possible deployment of the Identification Commission staff already approved by the General Assembly in its resolution 48/250 B of 23 June 1994, in order to accelerate this process.

“The Council welcomes the decision of the Secretary-General to visit the region later this month, and hopes that on this occasion he will be able to report significant progress towards implementing the settlement plan and holding the now long-overdue referendum. It looks forward to receiving his report following this visit and following the report of the technical team charged with reassessing the logistic and other requirements for possible deployment of the Mission at full strength. In the light of that report, including information on progress achieved in the work of the Identification Commission as well as other aspects relevant to the fulfilment of the settlement plan, the Council hopes to be able to take appropriate decisions on the organization and timing of the referendum. In doing so it strongly believes that there must be no further undue delay in the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan.”

Decision of 13 January 1995 (3490th meeting): resolution 973 (1995)

On 14 December 1994, the Secretary-General submitted a progress report²⁵ to the Security Council on the situation concerning Western Sahara in which he gave an account of his visit to the Mission area from 25 to 29 November 1994.

25 S/1994/1420 and Add.1.

The Secretary-General reported that during his visit to the Mission area, the Frente POLISARIO had expressed concern about certain developments since the beginning of the identification and registration process that they viewed as impediments to the smooth implementation of the settlement plan and the conduct of a free, fair and impartial referendum. Addressing their main concern, the large number of application forms submitted at the last minute, the Secretary-General had pointed out that the Identification Commission was an independent body whose members would carry out their mandate with impartiality, fairness and integrity. Both parties had reassured him that they remained fully committed to the settlement plan and had pledged continued support for the activities of MINURSO.

The Secretary-General recalled that he had informed the Council of his intention to send a technical team to MINURSO to reassess the logistic and other requirements for the possible full deployment of the Mission at full strength. He reported that the team had visited MINURSO from 10 to 14 November and found that, given the work still to be completed in the identification of potential voters, it was premature to make final arrangements for the deployment of MINURSO at full strength. The team had agreed that the Mission should focus on finding means to speed up the identification and registration, and strongly supported the idea of expanding the Identification Commission.

The Secretary-General noted that, despite the difficulties and delays experienced over the past few months, the political will still existed to move the process forward. He also noted that, given the large number of applications received, the only way to complete

identification and registration in a reasonable time would be through a major reinforcement of personnel and other resources. MINURSO had developed in that regard a plan for the establishment of additional centers and identification and registration teams. He expressed the hope, that by 31 March, progress achieved in the identification and registration process would reach such a level as to enable him to recommend 1 June 1995 as the date for the start of the transitional period.²⁶ By mid-August, the reduction of Moroccan forces in the Territory would be completed, and all laws or measures that could obstruct the conduct of a free and fair referendum suspended. By that time, he expected, based on the assumption that the Council would approve the proposed expansion of MINURSO,²⁷ that the identification and registration process would be completed and the final list of voters published. The repatriation program should be completed by the end of September and the referendum could then take place in October 1995.²⁸

At its 3490th meeting, on 13 January 1995, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Argentina) drew the attention of the members of the Council to the text of a draft resolution²⁹ prepared in the course of the Council's prior consultations. The draft resolution was thereupon put to the vote and adopted unanimously as resolution 973 (1995), which reads as follows:

²⁶ Resolution 973 (1995), para. 8.

²⁷ Ibid., pream. para. 7, paras. 5, 9 and 10.

²⁸ Ibid., para. 8.

²⁹ S/1995/24.

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993 and 907 (1994) of 29 March 1994,

Recalling the statements by the President of the Security Council of 29 July (S/PRST/1994/39) and 15 November 1994,

Having considered the report of the Secretary-General of 14 December 1994,

Welcoming the efforts of the Secretary-General during his visit to the region from 25 to 29 November 1994,

Committed to reaching a just and lasting solution of the question of Western Sahara,

Urging the two parties to cooperate fully with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara to ensure prompt and full implementation of the settlement plan,

Noting the Secretary-General's judgment that the only way to complete identification and registration in a reasonable time is through a major reinforcement of personnel and other resources,

Concerned that the implementation of the settlement plan has been delayed and that, in the circumstances, the mandate of the Mission, like the other United Nations operations, should be subject to periodic consideration by the Council,

1. *Welcomes* the report of the Secretary-General of 14 December 1994 on the situation concerning Western Sahara;
2. *Reiterates its commitment* to holding, without further delay, a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties;
3. *Calls upon* the two parties to cooperate fully with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in their efforts to implement the settlement plan in accordance with the relevant Security Council resolutions and within the time-scale outlined in paragraph 21 and 22 of the report of the Secretary-General;
4. *Welcomes* the fact that voter identification has begun and is continuing, albeit at a slow pace, and commends the Mission for the progress achieved thus far;
5. *Approves* the expansion of the Mission as proposed in paragraph 17 to 19 of the report of the Secretary-General, and expresses the hope that every effort will be made to deploy the observers necessary to complete the identification process in a timely fashion in accordance with the settlement plan
6. *Requests* the Secretary-General to report by 31 March 1995 to confirm the arrangement with regard to the logistic, personnel and other resources required for the deployment of the Mission at full strength, on his final plan for implementing all elements of the settlement plan and on the responses of the parties to his proposals in order to fulfil the United Nations Mission in Western Sahara;

7. *Encourages* the Secretary-General to continue to make all possible efforts in order to create a propitious atmosphere conducive to a speedy and effective implementation of the settlement plan;
8. *Expects* to be able, on the basis of the reports requested in paragraph 6 above, to confirm 1 June 1995 as the date for the start of the transitional period, with a view to holding the referendum in October 1995 and to bringing the Mission to a successful conclusion shortly thereafter, in accordance with the settlement plan;
9. *Decides* that the mandate of the Mission should continue to 31 May 1995;
10. *Also decides* to consider the possible extension of the mandate of the Mission after 31 May 1995 on the basis of a further report from the Secretary-General and in the light of progress achieved towards the holding of the referendum and the implementation of the settlement plan;
11. *Requests* the Secretary-General to keep the Security Council fully informed of further developments in the implementation of the settlement plan during this period;
12. *Decides* to remain seized of the matter.

Decision of 12 April 1995 (3516th meeting): statement by the President

On 30 March 1995, pursuant to resolution 973 (1995) of 13 January 1995, the Secretary-General submitted to the Security Council a report³⁰ on the situation concerning Western Sahara, covering developments since his last report.

The Secretary-General reported that, besides monitoring and verifying the cease-fire, the identification of potential voters remained the core activity of the Mission. Although progress had been slow, over 21,000 persons had been identified so far in a process which, less than a year ago, very few believed would ever start. He pointed out that, from the start, the single greatest obstacle to identification had been the issue of tribal leaders (sheikhs). The settlement plan had given the sheikhs the responsibility for identifying applicants as being the persons they claim to be and as belonging to a particular tribal group (subfraction). They were also to provide oral testimony relevant to

³⁰ S/1995/240 and Add.1.

the eligibility criteria. Most sheikhs, however, elected in 1973, were already of mature years at the time and many had since died or become incapacitated. There were, in consequence, a large number of subfractions, one third of the total, without a recognized tribal leader on at least one side. Since it had been agreed that identification could take place only when two tribal leaders, one from each side, were present to testify, it followed that work had to be suspended when one side or the other experienced difficulties in making its sheikh available. Moreover, the insistence by both sides on strict reciprocity meant that whenever identification could not take place at a centre on one side, work was automatically suspended at a center on the other side. His Deputy Special Representative, in an effort to solve the issue, had first proposed to the parties that the process start with those subfractions where there was a surviving and competent sheikh on each side. He had then offered a formula to deal with other cases. In that regard, the parties had expressed divergent views. The Secretary-General noted, however, that a measure of convergence had begun to emerge on the basis of a proposal set out by his Deputy Special Representative.

The Secretary-General further indicated that there would soon be four centres on each side with sixteen identification teams assigned to them. It was realistic to expect that approximately 20,000 applicants could be processed per month at the centres. He stressed that progress in identification would depend mostly on the collaboration of both parties, and therefore urged them to abandon any insistence on strict reciprocity in the number of centres and on the linkage of centres on each. Nor should limits be imposed on the numbers to be identified on any given day. If they would cooperate in resolving the

remaining issues, the transitional period could begin in August 1995 and the referendum could be held in January 1996.

In conclusion, the Secretary-General recommended that there should be no lessening of the Council's support for MINURSO at this stage.

At its 3516th meeting, on 12 April 1995, the Security Council included in its agenda the report of the Secretary-General. After the adoption of the agenda, the President (Czech Republic) said that, following consultations, he had been authorized to make the following statement³¹ on behalf of the Council:

“The Security Council notes the report of the Secretary-General of 30 March 1995. It welcomes progress achieved so far in the identification and registration process, in particular the acceleration in the rate of identification and emphasizes the need to continue that acceleration. It endorses the Secretary-General’s goal of achieving a rate of identification of at least 25,000 per month. However, the Council regrets that progress was not sufficient to enable the Secretary-General to recommend 1 June 1995 as the date for the commencement of the transitional period.

“The Council also notes with concern the delays resulting from the failure to ensure the continuous presence at the identification centres of the necessary sub-fraction representatives. It welcomes the agreement on a method for choosing alternative sub-fraction representatives when necessary and it expresses the hope that this will contribute to further acceleration of the process with a view to holding the referendum in January 1996. The Council supports the Secretary-General’s call upon both parties to cooperate fully with the Identification Commission in the performance of its work, in particular by abandoning their insistence on strict reciprocity in the number of centres and on the linkage of a centre on one side with a specific centre on the other.

“The Council expresses its concern about the slow progress on the other aspects which are relevant to the fulfilment of the settlement plan and must be implemented before the referendum can take place. It calls upon both parties to cooperate fully with the Secretary-General, with his Deputy Special Representative and with the United Nations Mission for the Referendum in Western Sahara and to coordinate such cooperation to ensure prompt and full implementation of all aspects of the settlement plan.

31 S/PRST/1995/17.

“The Council hopes to see continuous and rapid progress by the time of the next report of the Secretary-General in May 1995, which would enable it to consider favourably the possible extension of the mandate of the Mission.”

Decision of 26 May 1995 (3540th meeting): resolution 995 (1995)

On 19 May 1995, pursuant to resolution 973 (1995) of 13 January 1995 and the statement by the President of the Security Council of 12 April 1995, the Secretary-General submitted a report³² to the Council on the situation concerning Western Sahara.

The Secretary-General reported that despite increased operational capabilities, the rate of identification had been uneven and the operation had been interrupted periodically by difficulties relating to the timely availability of tribal leaders (sheikhs) and party representatives, as well as weather conditions and logistics. Identification had resumed on 2 May 1995, at all eight centres, with some 35,000 persons identified as of 15 May. That was far below the figure that MINURSO would be technically capable of achieving if the full cooperation of the parties was invariably forthcoming.

The Secretary-General stated that given the means and the opportunity, MINURSO could address the technical difficulties as they developed, but it could not force the parties to continue with the process if they had chosen not to do so. He pointed out that the parties should not limit the number of persons to be identified to any maximum on any given day, nor should they interrupt the process at a centre on one side if it was technically not possible to proceed with identification in a centre on the other

³² S/1995/404.

side. He called upon the parties to work with MINURSO in a spirit of genuine cooperation towards making sufficient progress in identification and registration to permit the referendum to be held in early 1996.

In that context, the Secretary-General outlined some benchmarks³³ for assessing progress on certain aspects of the settlement plan, including the final text of the code of conduct, the release of political prisoners, the confinement of POLISARIO troops and arrangements for the reduction of Moroccan troops in the Territory, in conformity with the settlement plan. By the end of September, he would assess the progress achieved and make recommendations accordingly. In the meantime, he recommended the extension of MINURSO's mandate for a four-month period.

At its 3540th meeting, on 26 May 1995, the Security Council included in its agenda the report of the Secretary-General. Following the adoption of the agenda, the President (France) drew the attention of the members of the Council to the text of a draft resolution³⁴ prepared in the course of the Council's prior consultations. The draft resolution was thereupon put to the vote and adopted unanimously as resolution 995 (1995), which reads as follows:

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993, 907 (1994) of 29 March 1994 and 973 (1995) of 13 January 1995,

³³ Ibid., paragraph 28.

³⁴ S/1995/426.

Recalling the statement by the President of the Security Council of 12 April 1995,

Taking note of the report of the Secretary-General of 19 May 1995,

1. *Reiterates its commitment* to holding, without further delay, a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan, which has been accepted by the two parties;
2. *Commends* the progress in identifying potential voters since the beginning of the year;
3. *Expresses concern*, however, that certain practices identified in the report of the Secretary-General are hampering further progress towards the implementation of the settlement plan, and underlines the need for the parties to heed the Secretary-General's call upon them to work with the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation;
4. *Decides*, in this context, and with a view to accelerating the implementation of the settlement plan, to send a mission of the Security Council to the region;
5. *Decides also*, therefore, to extend at this stage the present mandate of the Mission until 30 June 1995;
6. *Decides further* to consider the further extension of the mandate of the Mission beyond 30 June 1995 in the light of the report of the Secretary-General of 19 May 1995 and the report of the Security Council mission referred to in paragraph 4 above;
7. *Decides* to remain seized of the matter.

Decision of 30 May 1995: note by the President of the Security Council

On 30 May 1995, the President of the Security Council issued the following note³⁵:

“1. The President of the Security Council wishes to refer to resolution 995 (1995) adopted by the Security Council at its 3540th meeting, held on 26 May 1995, in connection with the situation concerning Western Sahara.

“2. In paragraph 4 of the resolution, the Security Council decided, with a view to accelerating the implementation of the settlement plan, to send a mission of the Council to the region.

“3. Following consultations, the members of the Council have agreed that the mission will depart from New York on 3 June 1995, for a duration of approximately six days, and that it will be composed of the following six members of the Council: Argentina, Botswana, France, Honduras, Oman and United States of America.

“4. The members of the Council also agreed that the mission's terms of reference, would be as follows:

“ (a) To impress upon the parties the necessity of cooperating fully with the United Nations Mission for the Referendum in Western Sahara in the implementation of all aspects of the settlement plan and to underline that any further delay would put the whole future of the Mission at risk;

35 S/1995/431.

“ (b) To assess progress and identify problems in the identification process, bearing in mind the deadline for the referendum of January 1996;

“ (c) To identify problems in other areas relevant to the fulfillment of the settlement plan (including the reduction of Moroccan troops, the confinement of troops of the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro, the release of political prisoners and detainees, the exchange of prisoners of war and the return of refugees).”

Decision of 30 June 1995 (3550th meeting): resolution 1002 (1995)

By a letter³⁶ dated 20 June 1995 addressed to the President of the Council, the members of the Security Council mission to Western Sahara on 3 to 9 June 1995 transmitted their report to the Council. The mission had left on 3 June for Morocco, Algeria, Mauritania, Tindouf and Laayoune where it had held meetings with the parties and observers. The mission reported that in its discussion with the two parties, it had noted that there was continuing suspicion and lack of trust. As a result, in the course of identification, technical problems that could have been easily resolved had become politicized and blown out of proportion, with each party blaming the other for the lack of progress. While the mission tried to elicit their commitment to abandon their insistence on reciprocity in the number and operation of identification centres on each side, each party insisted that its performance be conditional on the performance of the other. The mission therefore felt that there was a real risk that the identification process might be extended beyond the time previously envisaged and the referendum might not be held in January 1996. It therefore strongly recommended that both parties abandon their insistence on reciprocity on each side and refrain from blaming their lack of cooperation on the other side. The mission also recommended expediting the review process of the identification case files, while ensuring their full confidentiality; and speeding up the

³⁶ S/1995/498.

compiling of preliminary voter eligibility lists. It urged that the highest possible number of identifications per day be permitted to take place. It called on the Government of Morocco to conduct preliminary vetting of the 100,000 applicants not then residing in the Territory and recommended commencing without delay the identification of applicants living in Mauritania.

The mission further recommended that the Security Council should receive bi-weekly progress reports on the identification operation and be informed immediately of any interruption or slow-down in the process.

In conclusion, noting that one of MINURSO's main successes had been the establishment and maintenance of the cease-fire, the mission reported that it had been warned that in the event of MINURSO's withdrawal, the risk of a return to some form of hostilities would increase.

At its 3550th meeting, on 30 June 1995, the Security Council included in its agenda the report of the Security Council Mission to Western Sahara. Following the adoption of the agenda, the President (Germany) drew the attention of the members of the Council to the text of a draft resolution³⁷ submitted by Argentina, Botswana, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, the United Kingdom and the United States. He also drew their attention to the letters³⁸ from the representatives of Morocco and Honduras, respectively. In his letter dated 29 June 1995,

³⁷ S/1995/523.

³⁸ S/1995/514 and S/1995/524.

addressed to the President of the Security Council, the representative of Honduras requested that, on an exceptional basis, the letter contained in the Annex, which had been transmitted to the members of the Council by the President on 23 June 1995, be issued as a document of the Council. In that letter, the President of the Saharan Arab Democratic Republic had informed the Council of the decision of the Frente POLISARIO to suspend its participation in the identification process and to withdraw its observers. The decision was taken in protest against the sentencing by a Moroccan military court, on 21 June 1995, of eight Saharan civilians to prison terms of 15 to 20 years for having participated in a demonstration in Laayoune on 11 May 1995 and against the announcement by Moroccan authorities to the Security Council mission of their intention to have 100,000 Moroccan settlers take part in the voter-identification operation.

In his letter dated 27 June 1995, addressed to the President of the Security Council, the representative of Morocco transmitted the copy of a letter of 26 June from the Prime Minister and Minister for Foreign Affairs and Cooperation of Morocco, addressed to the President of the Security Council, concerning POLISARIO's decision to suspend its participation in the identification operation. He stated, *inter alia*, that Morocco could not accept an indefinite postponement of the referendum and called upon the Council to "take all necessary steps to ensure the resumption of the process with a view to holding the referendum on schedule." He also informed the Council that Morocco had transmitted to MINURSO the diskette containing the names of applicants residing outside the Territory and that it was cooperating fully with the Mission to ensure their identification as quickly as possible.

The draft resolution was put to the vote and adopted unanimously as resolution 1002 (1995), which reads as follows:

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993, 907 (1994) of 29 March 1994, 973 (1995) of 13 January 1995 and 995 (1995) of 26 May 1995,

Recalling the report of the Secretary-General of 19 May 1995,

Welcoming the work of the mission of the Security Council undertaken from 3 to 9 June 1995 under the terms of reference set out in the note by the President of the Security Council of 30 May 1995,

Having considered the report of the mission of the Security Council of 21 June 1995,

Committed to reaching a just and lasting solution of the question of Western Sahara,

Concerned that the parties' continuing suspicion and lack of trust have contributed to delays in the implementation of the settlement plan,

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

Taking note of the letter dated 23 June 1995 from the Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro to the President of the Security Council,

Taking note also of the letter dated 26 June 1995 from the Prime Minister and Minister of Foreign Affairs and Cooperation of the Kingdom of Morocco to the President of the Security Council,

Urging the parties to cooperate fully with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara to ensure prompt and full implementation of the settlement plan,

Noting that, in his report of 19 May 1995, the Secretary-General has outlined benchmarks for assessing progress on certain aspects of the settlement plan, including the code of conduct, the release of political prisoners, the confinement of troops of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro and arrangements for the reduction of Moroccan troops in the territory in conformity with the settlement plan,

Noting also that the mission of the Council has provided recommendations for moving forward on the identification process and other aspects of the settlement plan, and stressing the need for the identification process to be carried out in accordance with the relevant provisions set out in

the plan, in particular in paragraphs 72 and 73 thereof, as well as in the relevant resolutions of the Council,

1. *Welcomes* the report of the Secretary-General of 19 May 1995 on the situation concerning Western Sahara and the report of 21 June 1995 of the mission of the Security Council to Western Sahara;
2. *Reiterates its commitment* to holding, without further delay, a free, fair and impartial referendum for 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;
3. *Expresses its concern* that, given the complexity of the tasks to be performed and the continuing interruptions caused by the two parties, implementation of the settlement plan has been further delayed;
4. *Calls upon* the two parties to work with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation to implement the settlement plan in accordance with the relevant Council resolutions;
5. *Stresses* the need for the parties to refrain from any actions that hinder the implementation of the settlement plan, calls upon them to reconsider recent relevant decisions with a view to establishing confidence, and, in this regard, requests the Secretary-General to make every effort to persuade the two parties to resume their participation in the implementation of the settlement plan;
6. *Endorses* the Secretary-General's benchmarks described in paragraph 38 of his report of 19 May 1995;
7. *Endorses also* the recommendations of the mission of the Council, in paragraphs 41 to 53 of its report of 21 June 1995, concerning the identification process and other aspects of the settlement plan;
8. *Requests* the Secretary-General to report by 10 September 1995 on the progress achieved in accordance with paragraphs 5 and 6 above;
9. *Expects* to be able, on the basis of the report requested in paragraph 8 above, to confirm 15 November 1995 as the start of the transitional period, to allow the referendum to take place early in 1996;
10. *Decides* to extend the mandate of the Mission until 30 September 1995 as recommended by the Secretary-General in his report of 19 May 1995;
11. *Decides also* to consider the possible extension of the mandate of the Mission after 30 September 1995 on the basis of the report of the Secretary-General requested in paragraph 8 above and in the light of progress achieved in accordance with paragraphs 5 and 6 above towards the holding of the referendum and the implementation of the settlement plan;
12. *Requests* the Secretary-General, in addition to the reports called for in paragraph 48 of the report of the Security Council mission, to keep the Council fully informed of further developments in the implementation of the settlement plan during this period, in particular of any significant delays in the pace of the identification process or other developments that would call into question the Secretary-General's ability to set the start of the transitional period on 15 November 1995;
13. *Decides* to remain seized of the matter.

Decision of 22 September 1995 (3582nd meeting): resolution 1017 (1995)

On 8 September 1995, pursuant to resolution 1002 (1995) of 30 June 1995, the Secretary-General submitted a report³⁹ to the Security Council on the situation concerning Western Sahara.

The Secretary-General reported that the identification operation had recommenced in late July, after the details concerning its resumption had been clarified. A total of over 53,000 persons had been identified since the process began, representing over 40 per cent of persons residing in the Territory and over 51 per cent of those living in the refugee camps near Tindouf. The core problem in the identification process continued to relate to certain tribal groupings. In that regard, there were major differences of perception between both parties. Despite calls to abandon insistence on strict reciprocity, the principle of reciprocity continued to be applied when problems arose with regard to contentious issues on the opposite side, thus interrupting the progress also at another center.

The Secretary-General noted that progress in the past three months had been disappointing. The benchmarks that he had proposed had largely not yet been achieved both parties had maintained their respective positions concerning the confinement of the Frente POLISARIO troops, and they had both objected to the terms of the proposed code of conduct. Despite repeated calls on the parties by the Security Council and by himself

³⁹ S/1995/779.

to permit the process to advance more rapidly, both sides were reluctant to compromise on any issue which they believed could weaken their own position.

The Secretary-General pointed out that although the Council had already warned that the process could not continue indefinitely, premature withdrawal of MINURSO would have very grave and far-reaching implications for the parties and for the whole subregion, and therefore had to be avoided, if possible. He therefore recommended that MINURSO's mandate be extended until 31 January 1996, but added that, should the conditions necessary for the start of the transitional period not be in place by that date, he would present the Council with alternative options, including the possibility of withdrawal.

At its 3582nd meeting, on 22 September 1995, the Security Council included in its agenda the report of the Secretary-General. Following the adoption of the agenda, the President (Italy) drew the attention of the members of the Council to the text of a draft resolution⁴⁰ prepared in the course of the Council's prior consultations.

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 1017 (1995), which reads as follows:

The Security Council,

Reaffirming its resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993, 907

40 S/1995/816.

(1994) of 29 March 1994, 973 (1995) of 13 January 1995, 995 (1995) of 26 May 1995 and 1002 (1995) of 30 June 1995,

Reaffirming in particular its resolutions 725 (1991) and 907 (1994) relating to the criteria for voter eligibility and the compromise proposal of the Secretary-General on their interpretation,

Having considered the report of the Secretary-General of 8 September 1995, and noting further the fact that only two out of the eight identification centres are currently functioning,

Committed to reaching 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,

Expressing the hope for a rapid resolution of the problem causing delays in the completion of the identification process,

Expressing its regret that the outcome of the preliminary vetting by the Government of Morocco of the 100,000 applicants not residing in the territory is contributing to the inability of the United Nations Mission for the Referendum in Western Sahara to maintain its timetable for completing the identification process,

Expressing its regret also that the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro is refusing to participate in the identification, even within the territory, of three groups within the disputed tribal groupings, thus delaying completion of the identification process,

Taking note of paragraph 49 of the report of the Secretary-General of 8 September 1995,

Stressing the need for progress to be made on all other aspects of the settlement plan (S/21360 and S/22464),

Reaffirming its endorsement in its resolution 1002 (1995) of the recommendations of the mission of the Security Council concerning the identification process and other aspects of the settlement plan as described in paragraphs 41 to 53 of the report of the mission of 21 June 1995 (S/1995/498),

1. *Reiterates its commitment* to the holding, without further delay, of a free, fair and impartial referendum for self-determination of the people of Western Sahara in accordance with the settlement plan (S/21360 and S/22464) which has been accepted by the two parties referred to above;
2. *Expresses its disappointment* that, since the adoption of resolution 1002 (1995), the parties have made insufficient progress towards the fulfilment of the settlement plan, including the identification process, the code of conduct, the release of political prisoners, the confinement of troops of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro and the arrangements for the reduction of Moroccan troops in the territory;
3. *Calls upon* the two parties to work henceforth with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation to implement the settlement plan in accordance with the relevant resolutions, to abandon their insistence on strict reciprocity in the operation of the

- identification centres and to cease all other procrastinating actions which could further delay the holding of the referendum.
4. *Requests* the Secretary-General, in close consultation with the parties, to produce specific and detailed proposals to resolve the problems hindering the completion of the identification process in the framework of the relevant Security Council resolutions, in particular resolution 907 (1994) relating to the compromise proposal of the Secretary-General (S/26185) and resolution 1002 (1995) relating to the recommendations of the Security Council mission (S/1995/498), and to report on the outcome of his efforts in this regard by 15 November 1995;
 5. *Decides* to review the arrangements for the completion of the identification process on the basis of the report requested in paragraph 4 above and to consider at that time any further measures which might need to be taken to ensure the prompt completion of that process and of all the other aspects relevant to the fulfilment of the settlement plan;
 6. *Decides* to extend the mandate of the Mission until 31 January 1996 as recommended by the Secretary-General in his report of 8 September 1995, and takes note of his intention, if, before then, he considers that the conditions necessary for the start of the transitional period are not in place, to present the Security Council with alternative options for consideration, including the possibility of the withdrawal of the Mission;
 7. *Requests* the Secretary-General to report by 15 January 1996 on progress achieved towards the implementation of the settlement plan and to state in that report whether or not the transitional period will be able to begin by 31 May 1996;
 8. *Stresses* the need to accelerate the implementation of the settlement plan, and urges the Secretary-General to examine ways of reducing the operational costs of the Mission;
 9. *Stresses also* that the existing mechanism for the financing of the Mission remains unchanged, support the invitation to Member States, by the General Assembly in its resolution 49/247 of 7 August 1995, to make voluntary contributions to the Mission, and requests the Secretary-General, without prejudice to existing procedures, to consider the establishment of a trust fund to receive such voluntary contributions for certain specific purposes to be designated by the Secretary-General;
 10. *Decides* to remain seized of the matter.

Decision of 6 November 1995: letter from the President of the Security Council addressed to the Secretary-General

In a letter⁴¹ dated 27 October 1995, addressed to the President of the Security Council, the Secretary-General informed the Council of decisions taken to accelerate the identification process. Until that point, procedures had required that identification take

41 S/1995/924.

place only in the presence of a representative from both parties, a sheikh nominated by each party, and an OAU observer. In many cases identification had been suspended, or had not started, due to the absence of one or more of those persons. The decisions described in the letter were intended to simplify certain aspects of the identification procedures.

In a letter⁴² dated 6 November 1995, the President of the Security Council informed the Secretary-General that the members of the Council fully supported his efforts to accelerate the identification process and implement the settlement plan. They also requested him to continue his contacts with the parties and to report to the Council by 15 November. The members of the Council urged both parties to cooperate fully with MINURSO in order to overcome the identification delays.

Decision of 19 December 1995 (3610th meeting): resolution 1033 (1995)

On 24 November 1995, pursuant to resolution 1017 (1995) of 22 September 1995, the Secretary-General submitted a report⁴³ to the Security Council on the situation concerning Western Sahara.

The Secretary-General recalled that the basic obstacle to continuing and completing the identification process related to certain tribal groups and to persons not residing in the Territory, in whose identification the Frente POLISARIO did not agree to

42 S/1995/925.

43 S/1995/986.

participate. The operation had also been hindered by the inability or unwillingness of the parties to make a sheikh or alternate available at a given time and place. As a result, identification had been slow and had virtually come to a halt in the last few weeks. To overcome the difficulty, the Secretary-General had made some proposals to which the parties objected. Under his proposal, in cases when no sheikh or alternate was available on both sides, identification would be based on documentary evidence. Morocco wanted to limit the role of documentary evidence and give privilege to that of oral testimony. The Frente POLISARIO, on the other hand, considered that the new approach would allow for the introduction of applicants who had no ties with Western Sahara. The Secretary-General had, however, concluded that the new approach was the only way the process could be carried forward. Should it fail to proceed with the necessary speed, it was his intention to present the Council with alternative options, including the possibility of the withdrawal of MINURSO.

At its 3610th meeting, on 19 December 1995, the Security Council included the report⁴⁴ of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation) drew the attention of the members of the Council to the text of a draft resolution⁴⁵ prepared in the course of the Council's prior consultations. He also drew their attention to two other documents⁴⁶.

44 S/1995/986.

45 S/1995/1013.

46 Letter dated 28 November 1995 from the representatives of Argentina and the United States (S/1995/989) and letter dated 6 December 1995 from the representative of Algeria (S/1995/1011), both addressed to the President of the Security Council.

The draft resolution was thereupon put to the vote and was adopted unanimously as resolution 1033 (1995), which reads as follows:

The Security Council,

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

Recalling the letter of the Secretary-General of 27 October 1995 (S/1995/924) and the reply of the President of the Security Council of 6 November 1995 (S/1995/925),

Recalling the reports of the Secretary-General of 18 June 1990 (S/21360), 19 April 1991 (S/22464), 19 December 1991 (S/23299) and 28 July 1993 (S/26135),

Having considered the report of the Secretary-General of 24 November 1995 (S/1995/986),

Noting the response of the Government of Morocco to the proposal of the Secretary-General described in paragraph 10 of his report,

Noting also the response of the Frente Popular para la Liberación de Saguía el-Hamra y de Rio de Oro to the proposal of the Secretary-General, described in paragraph 11 of his report,

Noting further other communications received by the Council on this subject,

Stressing that the Identification Commission will be able to carry out its work only if both parties place their trust in its judgement and integrity,

Stressing also the need for progress to be made on all other aspects of the settlement plan (S/21360 and S/22464),

Committed to reaching 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 self-determination of the people of Western Sahara in accordance with the settlement plan (S/21360 and S/22464), which has been accepted by the two parties mentioned above;
2. *Welcomes* the report of the Secretary-General of 27 November 1995 (S/1995/986) as a useful framework for his ongoing efforts aimed at accelerating and completing the identification process;
3. *Welcomes also* the decision of the Secretary-General to intensify his consultation with the two parties in order to obtain their agreement to a plan to resolve differences hindering the timely completion of the identification process;
4. *Requests* the Secretary-General to report to the Council on the results of those consultations on an urgent basis and, in the event those consultations fail to reach agreement, to provide the Council with options for its consideration, including a

programme for the orderly withdrawal of the United Nations Mission for the Referendum in Western Sahara;

5. *Calls upon* the two parties to work with the Secretary-General and the Mission in a spirit of genuine cooperation to implement all the other aspects of the settlement plan, in accordance with the relevant resolutions;
6. *Decides* to remain seized of the matter.