
Africa

1. The situation concerning Western Sahara

Decisions of 30 January 2004 to 28 October 2005: 1523 (2004), 1541 (2004), 1570 (2004), 1598 (2005) and 1634 (2005)

At its 4905th, 4957th, 5068th, 5170th and 5295th meetings,¹ the Security Council adopted resolutions,² unanimously and without debate, by which it extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) for periods of six months,³ and reaffirmed its support for the peace plan and the efforts of the Secretary-General and his Personal Envoy, based on the recommendations contained in the reports of the Secretary-General on the situation concerning Western Sahara.⁴

In his reports, the Secretary-General provided information about the activities of his Personal Envoy; the release of all prisoners of war by the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario) and the situation of the political detainees and unaccounted-for persons; the implementation of the confidence-building measures; the security situation in the region and the violation of the military agreements; and the problem of illegal migration. Regarding the activities of his Personal Envoy, he briefly recapitulated the main developments of the negotiations since the beginning, namely the agreement over the settlement plan and the lack of willingness of the parties to implement it; the proposal for a draft framework agreement and its subsequent

rejection by the Frente Polisario and Algeria; the four options presented to the Security Council that would not have required the agreement of the parties; and, finally, the proposed peace plan for self-determination of the people of Western Sahara. Regarding this last point, he briefed Council members about the progress of the meetings with the authorities of Morocco and the Frente Polisario. He stressed that, while the Frente Polisario had agreed to the proposal, Morocco had clearly stated that an autonomy-based solution could only be final, rejecting the idea of a transitional period or of the possibility of independence. Thus, he considered that the positions of the parties had remained far apart, a situation that, together with the harsh public statements emanating periodically from the parties, as well as demonstrations and allegations of human rights abuses, suggested that the situation could deteriorate in the absence of a mutually acceptable solution that would provide for self-determination. He added that it was clear from past actions by the Council that there was opposition to a non-consensual solution, which left the Council with two options: to terminate MINURSO and return the issue of Western Sahara to the General Assembly; or to try again to get the parties to work towards acceptance and implementation of the peace plan.

Over the course of those meetings, the attention of the Council was drawn to a letter from Morocco, which noted, *inter alia*, that the “chronicle of grave violations of the rights of the Moroccans detained in Algerian territory” had been continuing and expressed concern over conditions in the Tindouf refugee camp.⁵ Attention was also drawn to a letter from Algeria, which responded to the letter from Morocco, stating that “rather than acknowledging the crimes committed against the Sahrawi people for three decades”, Morocco had resorted “to diatribes against its Algerian neighbour”. The letter stressed that the ““thousands of Moroccan civilians who are still in the camps””, over whom Morocco was expressing concern, “were Sahrawi refugees, duly identified by the Office of the United Nations High Commissioner for Refugees, who have had no other choice but to flee abroad as their

¹ During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara, pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 28 April 2004 (4955th), 23 January 2004 (4902nd), 25 October 2004 (5062nd), 22 April 2005 (5167th), 24 October 2005 (5291st), 25 April 2006 (5420th), 25 October 2006 (5553rd), 20 April 2007 (5665th) and 26 October 2007 (5770th).

² Resolutions 1523 (2004), 1541 (2004), 1570 (2004), 1598 (2005) and 1634 (2005).

³ Except for resolution 1523 (2004), adopted at the 4905th meeting, by which the Council extended the mandate for three months.

⁴ S/2004/39, S/2004/325, S/2004/827, S/2005/254 and S/2005/648.

⁵ S/2005/602.

homeland was being invaded and occupied by the Kingdom of Morocco and to whom Algeria has generously offered asylum". The letter concluded by urging the Security Council not to allow Morocco to stall progress on the peace plan for self-determination of the people of Western Sahara indefinitely.⁶

**Decision of 28 April 2006 (5431st meeting):
resolution 1675 (2006)**

At the 5431st meeting, on 28 April 2006, at which statements were made by the representatives of Argentina, Denmark, France, Japan, Slovakia, the United Republic of Tanzania, the United Kingdom and the United States, the Council included in its agenda the report of the Secretary-General dated 19 April 2006.⁷

In his report, the Secretary-General detailed, *inter alia*, the efforts of his Personal Envoy. However, he stressed that the question had remained at an impasse since there was a total lack of agreement on how to enable the people of Western Sahara to exercise their right to self-determination. The Secretary-General observed that a new plan would be doomed from the outset to be rejected by Morocco unless it excluded the provision of a referendum with independence as an option; but the United Nations could not endorse a plan that would exclude a genuine referendum while claiming to provide for self-determination. He stated that an indefinite prolongation of the deadlock was not acceptable as it would be "a recipe for violence" and thus, direct negotiations without preconditions was the only recourse remaining. Nonetheless, he noted that, while no country would admit that it favoured a continuation of the impasse, it was clear that there were two factors that combined to create a "powerful temptation" to acquiesce to the impasse: Western Sahara was not high on the local political agenda; and there was great store set on continuing good relations with both Morocco and Algeria. He concluded by stressing that the Council could not wait for the question of Western Sahara to deteriorate from being a source of potential instability in the region to becoming a threat to international peace and security, but needed to work to get negotiations off the ground.

The President (China) drew the attention of the Council to letters from Algeria and Namibia dated 24 and 26 April 2006, respectively, expressing concern over attempts to legalize "the occupation of Western Sahara" through proposals of solutions based on the denial of the right of the people to self-determination; and expressing strong support for the peace plan, which had been approved by the Security Council.⁸

Most representatives stressed that they had voted in favour of extending the mandate of MINURSO hoping that the parties would use that time to make real progress towards reaching a mutually acceptable solution. They emphasized also that they could not impose a solution so any plan would have to be mutually acceptable.⁹ The representative of the United States, noting that Morocco had expressed the intention of putting forward "an autonomy plan for the territory", encouraged Morocco to submit a plan that was "strong and credible" to serve as the basis of a new United Nations-led negotiating process.¹⁰ The representative of the United Republic of Tanzania stressed that the right of self-determination of the people of Western Sahara could not be subject to any preconditions.¹¹

The President drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States;¹² it was then put to the vote and adopted unanimously as resolution 1675 (2006), by which the Council, *inter alia*:

Requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period;

Decided to extend the mandate of MINURSO until 31 October 2006; decided to remain seized of the matter.

⁸ S/2006/258 (Algeria) and S/2006/266 (Namibia).

⁹ S/PV.5431, p. 2 (United States); pp. 2-3 (United Kingdom); p. 3 (Denmark, Japan); pp. 3-4 (Argentina); p. 4 (France, Slovakia, United Republic of Tanzania).

¹⁰ *Ibid.*, p. 2.

¹¹ *Ibid.*, p. 4.

¹² S/2006/268.

⁶ S/2005/605.

⁷ S/2006/249, submitted pursuant to resolution 1634 (2005).

**Decision of 31 October 2006 (5560th meeting):
resolution 1720 (2006)**

At the 5560th meeting, on 31 October 2006, at which statements were made by the representatives of France, the United Kingdom and the United States, the Council included in its agenda the report of the Secretary-General dated 16 October 2006.¹³

In his report, the Secretary-General stated that Morocco was continuing to work on an autonomy proposal to be presented in the next few months, while the Frente Polisario had restated its attachment to the Western Saharan people's right to self-determination to be exercised in a referendum including the option of independence. While the situation had produced "a broad trend of resignation to the status quo", when the Frente Polisario were asked whether they preferred the continuation of the impasse or negotiations without preconditions, they had responded that they preferred a continuation of the impasse, even though they realized that "this could only lead to renewed armed struggle". He stressed that only an "open-ended approach" to negotiations would work and that the failure to start negotiations would constitute a major setback for Morocco, which was "anxious to obtain international recognition of its sovereignty over Western Sahara", as well as for the Frente Polisario, which risked having the international community grow "more accustomed to the control of Morocco over Western Sahara". He recommended that the Council call on the two parties, joined by Algeria and Mauritania, to enter into negotiations without preconditions with a view to achieving a mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

The representatives of France, the United Kingdom and the United States stressed that they expected the parties to use the six-month extension of the mandate of MINURSO to aggressively negotiate a mutually acceptable solution, and reiterated that a solution could not be imposed by the Council. Furthermore, the representatives of the United Kingdom and United States underlined that MINURSO could not be considered a viable alternative to a permanent solution. The representatives of France and the United States also urged Morocco to move quickly

¹³ S/2006/817, submitted pursuant to resolution 1675 (2006).

to submit a comprehensive and credible autonomy proposal.¹⁴

At the same meeting, the President (Japan) drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States;¹⁵ it was then put to the vote and adopted unanimously as resolution 1720 (2006), by which the Council, *inter alia*:

Requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period;

Decided to extend the mandate of MINURSO until 30 April 2007;

Decided to remain seized of the matter.

**Decision of 30 April 2007 (5669th meeting):
resolution 1754 (2007)**

At the 5669th meeting, on 30 April 2007, at which a statement was made by the representative of South Africa, the Council included in its agenda the report of the Secretary-General dated 13 April 2007.¹⁶

In his report, the Secretary-General provided information, *inter alia*, about the latest initiatives by the parties regarding the solution of the conflict. The representative of Morocco had submitted a "Moroccan initiative for negotiating an autonomy statute for the Sahara region", which could serve as "a basis for dialogue, negotiation and compromise", while the Secretary-General of the Frente Polisario had handed over a document summarizing its position that the question of Western Sahara was a decolonization problem that should be solved on the basis of the implementation of the principle of self-determination, and that the solution to the conflict lay in the exercise of the legitimate right to self-determination by means of a referendum. The Secretary-General again recommended that the Council call on the two parties, joined by Algeria and Mauritania, to enter into negotiations without preconditions with a view to achieving a mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

¹⁴ S/PV.5560, p. 2 (United States); pp. 2-3 (France); and p. 3 (United Kingdom).

¹⁵ S/2006/850.

¹⁶ S/2007/202, submitted pursuant to resolution 1720 (2006).

The representative of South Africa expressed regret over several aspects of the draft resolution before the Council, including the use of the word “credible” when referring to the efforts made by Morocco, as it conveyed the unintended meaning that the plan of Morocco was more worthy than the one from the Frente Polisario, and the words “to move the process forward”,¹⁷ as that prejudged the situation ahead. He also complained about the fact that his delegation was given less than 24 hours to decide on the draft resolution. However, he stressed that he had decided to reluctantly support the draft resolution because he did not want to stand in the way of creating a platform whereby the people of Morocco and the people of Western Sahara would have an opportunity to negotiate among themselves.¹⁸

The President (United Kingdom) drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States;¹⁹ it was then put to the vote and adopted unanimously as resolution 1754 (2007), by which the Council, *inter alia*:

Called upon the parties to enter into negotiations without preconditions in good faith;

Requested the Secretary-General to set up these negotiations under his auspices and invited Member States to lend appropriate assistance to such talks;

Requested the Secretary-General to provide a report by 30 June 2007 on the status and progress of these negotiations and a report on the situation in Western Sahara before the end of the mandate period;

Decided to extend the mandate of MINURSO until 31 October 2007.

**Decision of 31 October 2007 (5773rd meeting):
resolution 1783 (2007)**

At the 5773rd meeting, on 31 October 2007, at which a statement was made by the representative of South Africa, the Council included in its agenda the

¹⁷ The fifth preambular paragraph of resolution 1754 (2007) reads: “*Taking note* of the proposal presented by Morocco to the Secretary-General on 11 April 2007 and welcoming serious and credible Moroccan efforts to move the process forward towards resolution, and taking note also of the proposal presented by the Frente Popular para la Liberación de Saguía el Hamra y de Río de Oro to the Secretary-General on 10 April 2007”.

¹⁸ S/PV.5669, pp. 2-3.

¹⁹ S/2007/238.

report of the Secretary-General dated 19 October 2007.²⁰

In his report, the Secretary-General stated, regarding the meetings that were held between the parties, that both parties had confirmed their respect for self-determination and their commitment to collaborating with the United Nations, as well as acknowledging that the current status quo was unacceptable. Yet, their positions had remained far apart and the negotiations had not been resumed. The main problems were the definition of “self-determination” and the distinction between “preconditions” and “fundamental positions”. He explained that neither the view of Morocco that its sovereignty over Western Sahara should be recognized, nor that of the Frente Polisario that the final status of the territory should be decided in a referendum with independence as an option, could be accepted as preconditions, though were widely known to be the respective parties’ fundamental positions. However, these fundamental positions had prevented each party from seriously discussing the other party’s proposal. He recommended that the Council call on the parties to enter into “genuine negotiations” to ensure a more substantial implementation of resolution 1754 (2007).

The representative of South Africa expressed regret that the draft resolution before the Council did not include any mention of human rights violations in Western Sahara, and he considered that the omission, *vis-à-vis* the fact that the Security Council “is very vocal about human rights issues in other parts of the world”, would be seen as a double standard on the part of the Council. He added that “this double standard is the reason that people sometimes do not take the decisions of this Council seriously”. He stated that his delegation continued “to be amazed by the relentless attempts by some members of this Council to try to describe the Moroccan proposal as being ‘a serious and credible effort to move the resolution forward’. The fact is that the Moroccan proposal for autonomy is a unilateral attempt to prevent the Sahrawi people from claiming their right to self-determination”. He considered that any attempt to place one proposal over the other would undermine the negotiation process. In conclusion, he stated that the need to extend the mandate of MINURSO was important enough to

²⁰ S/2007/619, submitted pursuant to resolution 1754 (2007).

support the draft resolution in spite of the reservations.²¹

The President (Ghana) drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States;²² it was then put to the vote and adopted unanimously as resolution 1783 (2007), by which the Council, *inter alia*:

²¹ S/PV.5773, pp. 2 and 3.

²² S/2007/637.

Called upon the parties to enter into negotiations without preconditions in good faith;

Requested the Secretary-General to provide a report by 31 January 2008 on the status and progress of those negotiations and a report on the situation in Western Sahara before the end of the mandate period;

Decided to extend the mandate of MINURSO until 30 April 2008.

2. The situation in Liberia

Decision of 12 March 2004 (4925th meeting): resolution 1532 (2004)

At the 4925th meeting,¹ on 12 March 2004, the President (France) drew the attention of the Security Council to a draft resolution.² It was then put to the vote and adopted, unanimously and without debate, as resolution 1532 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided that, to prevent former Liberian President Charles Taylor, his immediate family members, in particular Jewell Howard Taylor and Charles Taylor, Jr., senior officials of the former Taylor regime, or other close allies or associates as designated by the Committee established by paragraph 21 of resolution 1521 (2003) from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States in which there were, at the date of adoption of resolution 1521 (2003) or at any time thereafter, funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewell Howard Taylor, and Charles Taylor, Jr. and/or those other individuals designated by the Committee, including funds, other financial assets and economic resources held by entities owned or controlled, directly or indirectly, by any of them or by any persons acting on their behalf or at their direction, as designated by the Committee, shall freeze without delay all such funds,

other financial assets and economic resources, and shall ensure that neither these nor any other funds, other financial assets or economic resources were made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons;

Decided to review the measures imposed in paragraph 1 of the resolution at least once a year, the first review taking place by 22 December 2004 in conjunction with its review of the measures imposed in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003), and to determine at that time what further action is appropriate.

Decision of 17 June 2004 (4991st meeting): resolution 1549 (2004)

At its 4981st meeting, on 3 June 2004, the Council included in its agenda the report of the Secretary-General regarding Liberia.³ In his report, the Secretary-General observed that there had been general respect for and maintenance of the ceasefire in Monrovia and other parts of the country since December 2003, although a number of minor ceasefire violations perpetrated by elements of all three armed groups had been reported outside the capital. He stressed that much remained to be done to rigorously apply and implement the recommendations for reform of the timber sector in a transparent and accountable manner and that the National Transitional Government of Liberia was making gradual progress in preparing its application to join the Kimberley Process Certification Scheme for diamonds. He added that the assistance provided by some Member States and international organizations to the National Transitional Government

¹ During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Mission in Liberia, pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 15 September 2004 (5034th), 12 September 2005 (5258th), 24 March 2006 (5395th), 25 September 2006 (5534th), 22 March 2007 (5643rd) and 6 September 2007 (5737th).

² S/2004/189.

³ S/2004/428, submitted pursuant to resolution 1521 (2003).