

**Report of the Socialist International Mission on Western Sahara**  
**(3-10 May 2015)**

*Original: Spanish*

**1.- Presentation**

From 3 to 10 May 2015, a delegation made up of four representatives of the Socialist International visited Morocco, Western Sahara and the Saharawi refugee camps near Tindouf in south-west Algeria. The aim of the Mission was to observe in situ the current situation in the area, to meet with the main local and international actors and to prepare a report on Western Sahara to be submitted to the Council of the Socialist International, which will take place in New York on 6-7 July 2015.

The members of the Mission were Juan Antonio Yáñez-Barnuevo (PSOE, Spain), who headed the delegation; Mustapha Ben Jaafar (General Secretary of Ettakatol, Tunisia); Adélia de Carvalho (MPLA, Angola) and, as secretary, Claudio Herrera professor of the University of Chile, associate of the SI Secretariat). In the composition of the delegation care was taken to include representatives from different regions of the world (Maghreb, Sub-Saharan Africa, Europe and Latin America), who would contribute to the Mission with their views and experience and with recommendations to be presented to the Council in order to advance a political solution to the situation in Western Sahara that has lasted for nearly 40 years.

The SI Secretary General Luis Ayala, on 30 April of this year, issued the following statement:

“Western Sahara

Socialist International Mission in search of a political solution

A Socialist International Mission will hold meetings on 4th and 5th of May in Rabat, the 6th and 7th May in Laayoune, and 8th and 9th of May in Tindouf, in order to promote the search for a solution to the situation in Western Sahara.

The Mission, which was agreed by the SI Mediterranean Committee headed by Carme Chacón of the PSOE in Spain, and which was a decision ratified by the world Council of the International, will hold talks with its members, other political actors, authorities and civil society, to learn in situ the current situation, help the parties move forward in the search for mutually acceptable solutions and encourage the negotiation process taking place under the auspices of the United Nations.

The Mission will be composed of Juan Antonio Yanez PSOE, former Secretary of State of the Ministry of Foreign Affairs of Spain, who heads the delegation; Mustapha Ben Jaafar, Secretary General of Ettakatol-Democratic Labour Forum in Tunisia and Honorary President of the Socialist International; Adelia de Carvalho, Member of Parliament and Member of the Central Committee of the MPLA in Angola; and Claudio Herrera, Professor of the University of Chile and member of the Secretariat of the Socialist International.”

## **2.- Origins and mandate**

At the last SI Congress (Cape Town, 30 August-1 September 2012), in its resolution under item 3 “For a common road to peace, sustainability and cooperation: the need to secure multilateralism”, point A “Peace and conflict resolution”, the Congress pointed out:

“(…) Recalling the resolutions and statements of the Socialist International on Western Sahara and in particular the one adopted at the Athens Council; further recalling the United Nations and African Union resolutions on Western Sahara; considering it as a case of decolonisation; and concerned with the recurring violations of human rights; the Socialist International reiterates its full support for the right of self-determination of the Saharawi people and demands the urgent implementation of all the United Nations resolutions and African Union resolutions guaranteeing this right. It calls for the urgent resumption of direct negotiations between Morocco and Polisario Front under the auspices of the UN. The SI supports the efforts undertaken by the UN Secretary-General to achieve a just, peaceful and last long solution to this long conflict. We express our concern on the degrading situation on human rights and further demand the opening of the territory to independent observers, NGOs and the media. The Socialist International agrees to send a mission in the spirit of the proposal of the SI Mediterranean Committee.”

Furthermore, it must be recalled that on the occasion of the Cape Town Congress, the Polisario Front became an Observer member of the SI.

Finally, at the last meeting of the Mediterranean Committee of the SI, held in Valencia on 13-14 February 2015, the final declaration “A new agenda for the Mediterranean”, stated on point 9 the will to “make use of the opportunity for dialogue within the framework of the Mediterranean Committee, as well as the generosity and solidarity demonstrated by the parties, to promote a just and negotiated solution to the conflict in Western Sahara, accompanying the work of the United Nations in this respect.”

This resolution also stated “Taking into account the decision to send a fact-finding mission sur place, that was ratified by the Council meetings in Mexico and Geneva (2014), the Mediterranean Committee agreed the terms of this mission, which will be chaired by Juan Antonio Yáñez (PSOE), together with a delegation whose members will be announced at a later date. This mission will be travelling to the region at the beginning of May 2015, it will have a broad agenda of contacts and meetings with the collaboration of the parties involved, which will allow them to verify the situation in situ with a view to contribute, in line with our socialist and democratic commitment, to the search for shared solutions, accompanying and encouraging the process of negotiation currently taking place under the auspices of the United Nations.”

## **3.-The Western Sahara question at the international level**

Western Sahara is a territory of 266,000 km<sup>2</sup> situated on the Atlantic coast at the western extremity of the Sahara desert whose international status has yet to be finally determined. The question has been under consideration at the United Nations for decades, and continues to be of concern to the General Assembly, as a matter of decolonization, and to the Security Council, as a matter of peace and security.

In 1963, Western Sahara was placed on the list on the UN's list of non-self-governing territories under the terms of Chapter IX of the United Nations Charter, where it still remains today. The General Assembly has since then remained actively concerned with the question, adopting annual resolutions on the decolonisation of the territory, the most recent being Resolution 61/101 of 5 December 2014. Under the aegis of the General Assembly, it is the Special Committee (called "Committee of 24") for implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Resolution 1514 (XIV) of the General Assembly in 1960, which is in charge of following up this case, among others.

In its Resolution 3162 of December 1973, the United Nations General Assembly reaffirmed its commitment to the principle of self-determination and asked Spain to take the necessary steps to organize a referendum in the territory.

In December 1974, on a proposal by Morocco subsequently supported by Mauritania, the General Assembly asked the International Court of Justice for an advisory opinion on legal issues relating to the decolonization of Western Sahara and at the same time invited Spain to postpone the planned referendum until the General Assembly had had an opportunity to review the Court's opinion.

The court published its opinion in October 1975. In its response to the questions submitted by the General Assembly, the Court stated its opinion that at the time of the Spanish colonisation in the late 19<sup>th</sup> century certain legal ties existed – which fell short of constituting ties of territorial sovereignty - between the population in the Territory and the Sultan of Morocco on the one hand and the "Mauritanian entity" on the other, while specifying that none of these were of such a nature as might affect the applicability of UN norms in the decolonization of Western Sahara, and in particular the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory. The Court thus implied that the exercise of self-determination in accordance with UN norms (notably as provided by General Assembly resolution 1541 (XV) of 1960) could lead either to a territory's becoming an independent sovereign state, or freely associating itself with or incorporating itself into another independent state, provided that this was the free and unconstrained choice of the territory's inhabitants as expressed by generally accepted democratic methods, based on universal suffrage.

Not long afterwards, following Morocco's organisation of the "Green March" on Western Sahara, the Security Council was seized of the issue by Spain. In October and November 1975, the Council adopted Resolutions 377, 379 and 380 which called for restraint from all parties to avoid the escalation of tensions in the region and for the consultations with "the parties interested" in order to find a peaceful solution to the situation in conformity with Article 33 of the United Nations Charter.

It was in this context that a Declaration of Principles on Western Sahara by Spain, Morocco and Mauritania ("the Madrid Accords") was signed in Madrid on 14 November 1975, establishing a temporary joint administration in the territory and providing too that the views of the Saharan population be respected. This tripartite agreement was communicated to the United Nations and on 10 December 1975 the General Assembly passed Resolution 3458 (XXX) on the question of the Spanish Sahara, which took note of the Madrid Accords while insisting that the decolonization of the territory remained to be properly effected through the exercise of their right of self-determination by the Sahrawi populations originating in the Territory, under the aegis of the United Nations, mandating the Secretary-General to make the necessary arrangements. In February 1976, in conformity with the provisions of the Madrid Accords,

Spain withdrew from the Territory and from the temporary administration, leaving this in the hands of Morocco and Mauritania. In April the same year, these two countries then signed a bilateral agreement dividing the territory between them.

In the meantime, the Polisario Front had been founded in 1973 and risen in armed rebellion first against Spain, the administering power, and then against Morocco and Mauritania, before proclaiming the Saharawi Arab Democratic Republic (SADR) in late February 1976. A considerable part of the indigenous population abandoned the Territory, settling in refugee camps near Tindouf in Algeria, close by the border. The Polisario Front conducted an armed struggle against both Morocco and Mauritania until August 1979, when Mauritania signed a peace agreement with the Front and withdrew from that part of the Territory under its control. Conflict continued for years between the Polisario Front and Morocco, which has succeeded in maintaining de facto control over almost the whole of the Western Sahara by means of the construction, between 1980 and 1987, of a fortified berm that runs some 2,700 km SE-NW across the Territory.

Alongside the organs of the United Nations, the Organization of African Unity (OAU) – the African Union’s predecessor as the continent’s principal international body – has also actively concerned itself with the question, notably since the Monrovia Summit of 1979, which set up an ad hoc OAU committee to help prepare for a self-determination referendum in the Western Sahara in collaboration with the UN. At the Nairobi Summit of 1981, the King of Morocco committed himself to the principle of a popular referendum in the Territory, and the next Summit, held at Addis Ababa in 1983, was able to approve a Peace Plan on Western Sahara that amongst other things provided for a referendum to be held under the auspices of the UN and the OAU. However, the admission of the SADR as a member of the OAU led to Morocco’s withdrawal from the organisation in 1984, which only complicated the implementation of the plan.

Despite these difficulties, the UN and the OAU continued their concerted diplomatic efforts and in 1988 the UN Secretary-General and the President of the OAU for the time being presented the parties to the conflict (Morocco and the Polisario Front), at separate meetings, with “Proposals” for a just and definitive solution of the question of Western Sahara, by means of a cease-fire and the holding of a referendum on self-determination without constraints, under the authority of the UN in cooperation with the OAU. In separate meetings, the parties accepted in principle these proposals, while making observations.

Other important events in the region during this period also favoured the process, notably the rapprochement between Algeria and Morocco, the King of Morocco’s meeting with Polisario leaders at Marrakech in 1989, and the creation that same year of the Arab Maghreb Union by Algeria, Libya, Morocco, Mauritania and Tunisia – which has not however lived up to initial hopes, due in part to differences regarding Western Sahara.

With the explicit support of the General Assembly and the Security Council – which now again took up the question of Western Sahara – UN Secretary-General Javier Pérez de Cuéllar, in cooperation with the OAU, succeeded in pursuing negotiations between the parties to the point of drafting a more detailed “Settlement Plan” that was accepted by each of the parties separately and endorsed by the Security Council and the General Assembly between 1990 and 1991.

The Settlement Plan was adopted by the Security Council in April 1991, by Resolution 690, which also created MINURSO, the United Nations Mission for the Referendum in Western

Sahara, to monitor and support its implementation. A ceasefire followed in September that year. These two elements of the peace plan remain in place, but the process leading to the holding of a referendum with two options (full independence or incorporation into Morocco) has encountered difficulties, notably in determining the make-up of the electoral roll, despite the activities of MINURSO's Identification Commission. The process of voter identification on the basis of the last Spanish census of 1974, with updates and adjustments, made some progress in the years that followed, but never came to a formal conclusion, due to the parties' opposed positions on a number of important issues (notably on the interpretation of the "criteria of eligibility" laid down by the Secretary-General).

Given this impasse, in 1997 Kofi Annan, the new UN Secretary-General, appointed former US Secretary of State James Baker as his Personal Envoy in an attempt to overcome the difficulties that were hindering the implementation of the Settlement Plan. It was James Baker who for the first time succeeded in organising a direct dialogue between the parties (Morocco and the Polisario Front), with observers from Algeria and Mauritania as neighbouring states; this dialogue led to the Houston Agreement of 1997, which settled a number of disputes regarding the provisions of the Settlement Plan, including those on voter identification. On this basis, the Identification Commission was able to draw up by 1999 a provisional list of some 85,000 electors, but the submission of a vast number of appeals led to the process becoming bogged down and the referendum having again to be delayed.

This being so, the Secretary-General and his Personal Envoy came to the conclusion that the obstacles to the implementation of the Settlement Plan were not of a technical nature only but arose from the very architecture of the Plan, with the contrasting choices that were to be offered in the referendum (full independence or incorporation into Morocco). UN efforts subsequently focussed on the investigation of other options, which would however have to be agreed by both the parties. In 2001, the Personal Envoy proposed as a basis for discussion a Draft Framework Agreement (known as the Baker-I Plan), that notably provided for greater autonomy for Western Sahara within Morocco, with a transitional period that would be followed by a referendum in which all adults resident in the Territory could vote. This plan was accepted in principle by Morocco, but rejected by the Polisario Front.

Given this situation, the Secretary-General consulted the Security Council, to which he submitted several options regarding the policy the UN should pursue in the matter. Following a debate, in July 2002 the Council adopted Resolution 1429 in which it expressed its determination "to secure a just, lasting and mutually acceptable political solution which [would] provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations".

After further contacts between the parties, in 2003 the Personal Envoy brought forward a new proposal entitled a "Peace Plan for Self-Determination of the People of Western Sahara" (called the Baker-II Plan) with a number of key features, among them a greater degree of autonomy, with an autonomous Western Sahara Authority elected by Saharawi voters (appearing on the provisional list drawn up by the Identification Commission) which would function for a period of four or five years, at the end of which a referendum would be held to determine the final status of Western Sahara, with the voters in this case being all adults resident in the Territory (i.e. on the basis of an expanded electoral roll). In its Resolution 1495 adopted in July 2003, the Security Council expressed its support for this plan, describing it as "an optimum political solution on the basis of an agreement between the two parties" and

calling upon the parties “to work with the United Nations and with each other towards acceptance and implementation of the Peace Plan.”

Not without some hesitation, the Polisario Front expressed its preparedness to explore the Baker-II Plan with a view to its implementation. Morocco for its part expressed reservations, and in 2004 definitively rejected the Plan, arguing that autonomy could not be transitional but had to be final and that it no longer accepted independence as one of the options to be presented to the voters at the end of the process. This new stalemate led to James Baker’s resignation as the Secretary-General’s Personal Envoy for Western Sahara.

No substantial progress has been made since. With the adoption of Resolution 1754 in 2007, the Security Council emphasized the necessity of finding a consensual solution on the basis of proposals brought forward by the parties themselves. In fact, the Polisario Front had presented a “Proposal for a mutually acceptable political solution that provides for the self-determination of the people of Western Sahara”, while Morocco had submitted an “Initiative for Negotiating an Autonomy Statute for the Sahara Region”, welcomed by the Security Council as a “serious and credible effort”. The Council, which reaffirmed “its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations”, called upon the parties to enter into negotiations without preconditions in good faith with a view to achieving such a solution and requested the Secretary-General to set up these negotiations under his auspices. In its essentials, this is still the framework that governs UN policy in the matter of Western Sahara.

Since then, UN Secretary-General Ban Ki-moon and his Personal Envoy (currently Ambassador Christopher Ross) have striven to reconcile the parties’ positions in an attempt to find common ground on which the much sought-after “mutually acceptable political solution” might be built. These efforts have so far proved without result, each party remaining fiercely attached to its own position and being little inclined to consider or even to comment upon the proposals of the other. It is for this reason that the Secretary-General and his Personal Envoy have not thought it useful to organise formal negotiations, preferring to restrict themselves so far to tours of the capitals of the region and informal meetings with the parties (and with the observer nations of Algeria and Mauritania) in a continued exploration of possible ways out from the impasse.

In his last report to the Security Council (2015), the UN Secretary-General, expressing his fears over the development of terrorist forces in neighbouring regions, reiterated his call for negotiations based on the right to self-determination of the people of Western Sahara.

Alongside these diplomatic efforts, the UN has not only provided humanitarian assistance to Sahrawi refugees in the Tindouf camps but has also sought to develop a programme of measures to build confidence between the parties (including amongst other things the exchange of family visits) and supporting assistance programmes in the fields of education and human rights monitoring.

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The African Union (AU) – which succeeded the OAU in 2002 and which continues to maintain a liaison office that works with MINURSO in the field, given the role accorded to the Union by the Settlement Plan of 1991 – has recently been more actively engaged in the quest for a just

and lasting solution to the question of the Western Sahara. In particular, the Union has decided to reactivate the ad hoc Committee of Heads of State and Government on the conflict in Western Sahara and to appoint Joaquim Chissano, former president of Mozambique, as its Special Envoy. The AU has also written to the UN Secretary-General and the Security Council to stress the African continent's interest in a final solution to the conflict and the AU's willingness to work with the UN to bring this about.

The African Union, which since 1984 has been unable to convene the two delegations, the Moroccan and Sharawi, remains committed to the application of UN resolutions on the organization of a referendum on the basis of self-determination and continues requesting the inclusion of human rights in the mandate of MINURSO.

Complementing the international and continental perspective of this conflict, it is also necessary to keep the Arab Magreb dimension in mind. The conflict between Morocco and the Polisario Front which has lasted almost forty years remains despite the 1991 ceasefire and the various efforts, previously outlined, to find a just and lasting solution.

The United Nations resolutions based on the right of peoples to self-determination and the multiple calls to the parties involved to find a way out of the crisis have only served to maintain the status quo of "neither war nor peace", with a role of containment by MINURSO, a scenario which, while satisfying some, is for others the bearer of serious threats.

The AU, in demanding the application of the United Nations resolutions in this case, is caught in a position of principle, honouring the self-determination of peoples on the one hand, and the inviolability of borders on the other. The first of these, which is inscribed in its Charter, has always aroused great reservations by Morocco. The recognition in the SADR in 1984 provoked, as has been said, the withdrawal of Morocco from the organization, despite it having been one of its founders. The appointment of Joaquim Chissano as the AU representative in charge of following and dealing with the question of Western Sahara, is a testimony of the renewed interest expressed by the AU in this issue.

From the perspective of the Arab Maghreb Union (AMU), the current state of the conflict between Morocco and the PF and its adverse impact on relations among countries of the area has negative consequences for the organization and keeps it in a state of hibernation. Morocco's border with Algeria has been closed since August 1994 and since then it has not been possible to hold a summit of AMU Heads of State.

The current situation may be deemed unsustainable and requires early deployment of efforts to overcome the current crisis.

There are many reasons why taking action is urgent:

The conflict is already one of the longest of our time, with all the suffering this entails: displaced families, refugees that depend on international aid and live in precarious conditions in camps; strained relations between the countries of the region that force them to make greater investments in the area of defense (e.g. arms and construction, protection and maintenance of the contingent guarding the 2,700 km wall that divides Western Sahara).

Construction of an integrated Maghreb, which is now at a standstill, would have allowed the member nations to implement a coordinated policy in order to combat poverty and

unemployment through investments in infrastructure, transboundary projects, etc., which would create better conditions for economic and social development.

The policy of openness adopted by Morocco, indirectly reinforced by the Arab Spring, has led to an awakening and awareness among young people of Saharawi origin that leads them to question the established order and to demand improved social conditions and the affirmation of their citizenship status, which includes the aspects of freedom and human rights. This trend is evident in both parties. The absence of a rapid response or of clear promising prospects can push desperate youth to adopt other forms of protest. The Jihadi terrorism that has ravaged the region can sound like an attractive radical "solution". If this were the scenario, the international community would be faced with a conflict of a different nature.

However, alongside this bleak description of a deadlocked situation, dominated by the all or nothing rule followed by the belligerents, we must remember that there are two signs of hope:

First, the positions are not totally intransigent. Morocco has often swayed between self-determination and autonomy before opting for a broadened autonomy, according to King Hassan's well-known formula that says that "everything is negotiable except the seal and flag". The Baker I Plan was favorably received by Morocco, just as the Baker II Plan was favored by the Polisario, leaving some margin for future negotiations;

Secondly, the period between 1988 and 1991 was marked by détente and creation of the AMU in 1989 and in 1991 by the ceasefire and the start of MINURSO operations. These results were achieved thanks to the concerted efforts of all parties concerned: the UN, the AMU, without forgetting the role of mediator played King Fahd of Saudi Arabia.

Bearing in mind the main milestones that have marked these 40 years of conflict, the current difficulties and the apparent inflexibility of the parties' respective positions, as well as a certain loss of interest in the conflict on the part of the international community, in its report the mission then describes the programme developed in Rabat, Laayoune and Tindouf, presents its findings and assessment and, finally, puts forward proposals and recommendations.

#### **4. Description of the Mission's activities and meetings**

The Mission's visit was made up of three distinct stages, during which it was able to meet with different actors and to observe diverse realities: the visits to Rabat, Laayoune and the camps near Tindouf. The Mission stated that it would also have liked to hold meetings in Alger and Nouakchott to have a better idea of the matter.

To start with, the Mission stayed for two days in Rabat, capital city of the Kingdom of Morocco. During this first stage, the Mission agenda had been previously agreed between the SI Secretary General and its member party in Morocco, the USFP, and one of its officials, Abdessalam Eddebarh, accompanied the delegation during the visits in Rabat and Laayoune.

On the evening of 3 May, the Mission fulfilled its first official activity taking part in a dinner hosted by the First Secretary of the USFP, Driss Lachgar. On this occasion, the leader of the SI member party invited another two political leaders of the Moroccan opposition parties (Istiqlal Party and Party of Authenticity and Modernity), so that the Mission, as explained by the host, could get fully acquainted with the position of the opposition forces in relation with Western Sahara. Also present at the dinner were the president of the SI Migrations



Committee, Habib El Malki (USFP) and the president of the National Council of Human Rights, Driss El Yazami.

During the dinner, the USFP First Secretary reiterated his personal commitment and that of his party to the success of the Mission, underlining a spirit of collaboration and assistance in order to accomplish the programme of meetings, as well as the desire of his party that the Mission could meet in Laayoune without interference with persons or entities that have different viewpoints on the matter. He expressed his hope that the outstretched and open hand that Morocco extended to the Mission, could find an echo with the counterpart during the work of the Mission, making it possible to advance towards a solution *without winners or losers and with credit to all parties*.

Lachgar emphasized his interest that the SI would get a better idea of the conflict through the Mission, its report and the decisions that may be adopted in the future. According to him, the conflict was fundamentally a geopolitical dispute between Morocco and Algeria, rather than the demand for self-determination by the Saharawi population.

Later on, the Mission had the opportunity to listen to the president of the Moroccan National Council of Human Rights (CNDH), Driss El Yazami, who introduced the institution he presides, its status and autonomy at constitutional level, and its functioning at regional level in the country through the work of its Committees and Commissions in which civil servants and representatives of civil society interact. He underlined that regarding the Western Sahara (where the Council has one of its offices), the institution had invited different actors of civil society to take part in their work, although he recognised that despite the spirit of inclusiveness, some associations with a separatist inspiration had decided not to become part of this initiative. He also explained the manner in which they receive the complaints and how these were processed and presented to the government authorities and law courts. At the same time, he explained that the institution was also involved in training activities and in building a culture of respect for human rights, for example through the training of police officers and non-commissioned officers, an activity in which the CNDH received the support of international bodies. Furthermore, he highlighted their activities in the field of cultural rights and diversity, the situation of women and of vulnerable people and groups of people, the inclusion of subjects of human rights in the school curriculum, among others. In his opinion, as he explained, in Western Sahara his institution had become aware of two kinds of problems: (a) on the one hand, complaints about the restrictions imposed by the authorities to the freedom of association and to the recognition of certain associations (he explained that faced with the denial or the silence of the administration, the possibility of the association to resort to the courts of law had been curtailed); and (b) complaints related to the violation of the right to freedom of speech. He added that many of the demonstrations in the zone of Western Sahara related to socio-economic demands (work, for example).

On Monday 4 May at 09:30, the Mission was received by the President of the Chamber of Councillors (Senate) of the Kingdom, Mohamed Cheikh Biadillah. The President explained the work and *modus operandi* of the Chamber in accordance with the Constitution of 2011: it was a bi-cameral parliamentary system, in which besides this Chamber of Councillors, a Chamber of Deputies exists. The Senate is made up of 270 Councillors representing the 8 main Moroccan political groupings, the USFP is among them. The Senate, as explained by its President, is composed of three-fifths of locally elected Councillors and two-fifths of representatives of Professional Chambers and trade union representatives. Regarding the situation in Western Sahara, in his opinion, the Arab World and the north of Africa were going through a historic moment of high complexity where, among other phenomena, terrorism,

failed states, organised crime, and migration were all intertwined. In his opinion, Morocco appeared to be a secure, stable and democratic nation that had been able to advance on issues such as the situation of women, the adoption of a family code and the building of a multi-party system. It was a country-mosaic of peoples, he said, in which diversity was respected, and languages, culture and religions were guaranteed by the Constitution. At the same time, in terms of economic development, it was a nation that despite the crisis had maintained sustainable and stable growth during recent years. In parallel with this, it was a country that confronted challenges like migration, terrorism and mafias. Within this context, the problem of the Provinces of the Sahara, acknowledging his origins in that region, had for many years been hampering the integration of the Great Arab Maghreb, an area with a population of over a hundred million people that was sacrificing 2% of its potential GDP each year due to this lack of integration. According to him, the challenge of a region that shared the same problems in matters of economy, security and respect for the environment was particularly urgent. The President presented to the Mission his view of the origins of the Polisario Front, in which he took part himself, its struggle since the beginning of the 70s, its ties to Algeria and Libya, the process of decolonisation from Spain and the reintegration of Western Sahara into Morocco. In his opinion, the distinctive sign of the birth of the Front was the struggle for liberation, not for independence. He insisted that, in his opinion, the problem was a dispute between Morocco and Algeria and said that he did not have expectations that the holding of a referendum could resolve the situation. On the other hand, he expressed, in his personal capacity, the opinion that Morocco should not have withdrawn from the Organisation of African Unity because in that way they would have then been in a better position to defend their cause within that continental organisation.

Afterwards, the Mission held a meeting with a young deputy from Laayoune, who comes from a Sahraouian tribe, a member of the opposition party Istiqlal, who also defended the view that the situation in Western Sahara was first and foremost a conflict between Morocco and Algeria. In his opinion, the separatist groups could also be found in Tindouf, but they would be in the minority. The Saharawis in Laayoune would support the Moroccan proposal of an autonomous regime, and they should be the ones to be heard rather than the Saharawis presently settled in Algerian, Malian or Mauritanian territories, he said. With regard to the referendum, he stated that the main difficulty for it to be held was the determination of the electoral body.

The Mission was also briefly received by the Parliamentary Commission which was discussing at that moment the draft bill for the regionalisation of the Kingdom and according to which, we were told, regional elections would take place before the end of the current year.

At 12:00 on 4 May, the Mission met with the president of the Royal Consultative Council for Saharan Affairs (CORCAS), Khallihenna Ould Errachid, member of one of the largest Sahraouian tribes, and with the members of the organisation, among them its general secretary, Maouelainin Ben Khalihanna Maouelainin. During the meeting the president delivered a written register of the activities of the institution, as well as historic information on Western Sahara. The president shared with the Mission his view of the conflict. With regard to the most recent developments, it can be highlighted that, in his opinion, the creation of MINURSO in 1991 had both achieved the ceasefire which had been expected would put an end to a war that had started in 1976, and advanced the process of identification of the electorate that would take part in the referendum on self-determination of the Sahara, a process which had been carried out between 1991 and 2004. Nevertheless, he added, this definition of the electorate had failed by 2004, a fact that resulted in the resignation of the Personal Envoy of the UN Secretary-General for Western Sahara, James

Baker. It was precisely within the context of this impasse that King Mohamed VI made the proposal to concede autonomy to Western Sahara in 2006. He explained that the proposal of autonomy was similar to that of the Spanish model and was based on three principles: it recognises Moroccan sovereignty, it responds to the Saharawi demands and defines autonomous standards. This proposal of autonomy, according to the president of CORCAS, was what had been feeding the debate and the advances seen at the level of the UN since 2007, but he emphasised that in this negotiation there were “ghost parties” (Algeria) and that the Polisario Front was not in a position to negotiate. Therefore, he maintained that Morocco had to advance on its own in this case. He also expressed his surprise at the recognition of the Sahrawi Arab Democratic Republic (SADR) by the African Union, before the completion of the plebiscite. He finished by saying that the UN Security Council knows the Moroccan proposal very well, which offers an honourable outcome for all the parties.

During the afternoon, the Mission was received by the president and the secretary general of the Economic, Social and Environmental Council of Morocco, Nizar Baraka (former Minister of Economy of the Kingdom) and Driss Guerraoui, respectively. The institution, as they pointed out, has had constitutional status since the 2011 text, and previous to that, its organic-constitutional law had been issued in 2010. It is composed of one hundred members who represent employers’ sensitivities, the trade union movement and experts. Their mandate, in a way, is to be the spokesperson of organised civil society to the government, when public policies are adopted or legislative measures are proposed. Its reports and opinions are transmitted to the government and the parliament, institutions that must give an account of how the positions of the Council were received. Concerning the situation of Western Sahara and, in general, of the provinces in the South of the Kingdom, the Council was concerned at the development of the area and had been studying the matters of autonomy, its different phases and the transference of power and responsibilities. According to the CES officials, the GDP in the zone is higher than the national average, with good access to social rights and a low poverty rate. They added that around 50% of the direct subsidies of the state are destined for this zone, with important investments in infrastructure during recent years.

The downsides were that the state produces more than 30% of the regional GDP, that unemployment was practically double the national average (17% and 9% respectively), women's participation in the labour market was much lower than the national average (12% against 25%). At the same time, the zone of Western Sahara, as he explained, had been tax-exempted for almost 40 years. The proposal of the CES for the zone included the development of clusters, separate treatment for the sub-regions, sustainable exploitation of natural resources and incorporation of value added to local products, among other measures. The meeting finished with information from the President of the Council about the study being carried out to advance proposals for in-depth changes to the model of economic development in the zone, proposing, among others, to promote private investment, job creation and to start to draw from different types of taxes. When asked about the relation between state income (which at the time came basically from the exploitation of mineral and fishery resources in the zone) and public expenses in Western Sahara, he said that the prevailing ratio was 1:7, although he did not give a detail of the way in which this result was obtained.

Afterwards, the Mission visited the headquarters of the USFP, where they met again with the First Secretary and other senior officials. During the visit, the party officials insisted on the need for the Mission to understand and be aware of the following central points: the region was experiencing a situation of great instability and Morocco represented a factor of containment and stability; the dossier of Western Sahara was making and would continue to make difficult progress as long as the true parties to the conflict were not revealed, i.e. Algeria

and Morocco. Morocco has made its move, proposing to the Saharawi people a statute of autonomy, now it is necessary for the other side to respond.

On the morning of Tuesday 5 May, the Mission visited the headquarters in Rabat of the Agency for Development of the Southern Provinces (or Agency of the South). On this occasion, its Director General, Ahmed Hajji, together with some members of his team, showed to the Mission the programmes and the activities they were developing in the region, which includes other provinces besides the ones in Western Sahara. The Director stressed some of the characteristics of the zone, which covers 58% of the Moroccan territory, but contained only 3.5% of the population of the country. He provided information on the different projects underway, many of which were being developed in association with international organisations like the UNDP, with local actors, professionals and representatives of civil society. The work of the Agency, he explained, was inter-ministerial and under the direct guidance of the Prime Minister; they were at that time moving their central offices to Laayoune. The Director added that, within the institutional design of Morocco, there are another two similar Agencies, one for the North and the other for the East.

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In the afternoon the Mission flew to the city of **Laayoune**. Upon arrival, the Mission took a quick tour of the urban complex, to get an idea of its location and its buildings and infrastructure in progress.

Their first activity was a dinner with the governor of the wilaya of Laayoune-Boujdour-Sakia el Hamra, Yahdih Bouchaab. He introduced himself as an indigenous person from the territory, who for a long time had been a member of the Polisario Front (having been their representative in France), until he accepted the sovereignty of Morocco. He had been ambassador to the Kingdom of Sweden before assuming his present functions. During the meeting, the governor expressed his vision of the situation in the territory, which he described as calm, although he did not hide the pressing economic and social problems, especially the unemployment. He referred to the problems in the regional area (spread of terrorism, illegal trafficking, irregular migration, etc.), which were of concern and would require concerted action from the countries of the region, with appropriate assistance from other countries and organisations of the international community. He was convinced that the way towards a solution to the conflict rested on the option of an autonomous government in line with the parameters offered by Morocco, and with the drafting of the new law on regionalisation soon to be completed.

On the morning of Wednesday 6 May, the Mission started its activities with a visit to the town hall of the city. They were received by the President of the Urban Commune (Mayor) of Laayoune, Moulay Hamdi Ould Errachid (brother of the CORCAS President), members of the Municipal Council and technical teams. For almost half an hour, the Mission listened to the presentation made by a municipal architect of the ongoing, planned and completed urban works. A review was made and images were projected of squares, stadiums, community centres, schools, libraries, zoos, swimming pools, roads and, in general, other facilities and buildings aiming at achieving urban development and a better quality of life for its inhabitants. After the presentation of the expert, the Mayor underlined that more than 45 million euros had been invested in the treatment of sewage and important investments had been made in health and education centres. The Municipality had, he said, an ambitious programme of investments and development, adequately coordinated and financed with the central administration of Morocco (among the major partners, he mentioned the Interior Ministry

and the Agency of the South). These works, he added, also help to combat unemployment in the commune because at least 70% of the jobs they created had to be filled by local people. When he was asked about the current population of the city, the Mayor replied that it had grown considerably in the last four decades, reaching a quarter of a million inhabitants (without specifying what percentage of the population was indigenous to the territory and what was the percentage of people who have arrived in the territory from regions located to the North). When he was asked about the future viability of maintaining that level of investment in a region that for 40 years had been tax-exempted, Ould Errachid replied that this model of development was sustainable and well harmonised with the proposal of “strengthened autonomy” proposed by Morocco. The Mayor of Laayoune ended his presentation by saying that, in his opinion, the proposal of strengthened autonomy was the most convenient and honourable outcome for all the parties.

Afterwards, the Mission met, with Kim Bolduc, special representative of the UN Secretary-General and chief of the United Nations Mission for the Referendum in Western Sahara (MINURSO). Also present at this meeting was Enrico Magnani, in charge of the Mission communications. Bolduc outlined for the Mission the difficulties she encountered on a daily basis regarding the adequate handling of the information she received in situ. At the same time, she appreciated and valued the sending of this SI Mission because, according to her, “the worst thing that can happen to a conflict is to be forgotten.” She expressed that at that time the conflict had reached an impasse and it was not clear how this could be overcome, which made the work of the United Nations more complicated. While it was true that the interruption of dialogue among the parties was something that went back to 2012, at that moment there was a much bigger deadlock than that of the three previous years. The main actions undertaken by the Mission she heads, she pointed out, had to do with military-type jobs (guaranteeing the ceasefire together with clearing landmines and confidence-building measures), rather than with its central mandate which was to organise the referendum on self-determination. She commented that there had been voices and requests to widen her mandate to take in the field of human rights, but up to that moment this had not materialised, due basically to the opposition of Morocco. The Mission that she headed had moved with due impartiality which had made her the subject of constant accusations from the two sides in conflict. She mentioned that she saw objective difficulties in advancing a political solution given the enormous asymmetry of forces between Morocco and the Polisario Front. With respect to the activities of the Mission on the Eastern side of the wall, these focused mainly on the clearing of mines, although MINURSO was willing to advance with the census of the refugees who were at that time in the zone of Tindouf. In addition, Bolduc denied accusations of alleged mismanagement of the assistance received from the World Food Programme, while stating that due to the geographic and climatic conditions of life in the camps, the people were not in a position to produce their own food, and therefore this had to be provided for them. She recognised that for the time being the Polisario Front had expressed their resistance to the carrying out of such a census in the zone of Tindouf, which had given rise to a critical reaction from Morocco. At the same time, Polisario rejected the fact that MINURSO did not have a mandate in matters of human rights and that this problem was in fact covered by the UNHCR, even though the High Commissioner of the United Nations for Human Rights had committed his organisation to periodic visits to both sides of the wall. She underlined that, in her opinion, one of the most sensitive circumstances hindering any attempt to relaunch the dialogue was the blocking of information by both parties. At the same time, she pointed out that the Mission had tried to establish links with civil society, but this had hitherto proved very difficult and needs to be increased, in her opinion. Finally, concerning the situation of the Mission she leads, Bolduc stated that she was confronting particularly serious tension, because the Report of the SG and the resolution of the Security Council of 2014 was

understood by the Polisario Front to be a clear sign of progress, to the point that they declared that the year 2015 would be the decisive year for self-determination of the Saharawi people. Nevertheless, the Report of the SG and the Security Council resolution of this year were interpreted as a clear setback and a success for Morocco. It was precisely in this delicate scenario, she concluded, that her Mission had to move, still having, in her opinion, much work ahead.

The mission also met for lunch in Laayoune with traditional chiefs or "Chioukh" of several Saharan tribes, who highlighted the leading role that these organizations continue to play in Sahrawi society. They insisted that the Saharawi people, their families and other groups, are now separated and divided by the conflict that has already dragged on for more than forty years, causing great pain and suffering. In this regard, they stressed their hope and commitment to dialogue, while expressing the view that contacts between the parties should be strengthened, especially at family level. As for their position with regard to the conflict, the Chioukh present explicitly stated their support for Morocco and their loyalty to their monarch, adding that they could not imagine a future for Western Sahara other than autonomy within the kingdom, as had been offered by Morocco.

In the afternoon, between 15:00 and 18:00 (when it was necessary to return to Casablanca to depart to Tindouf), the Mission met separately with some groups of Saharawi civil society, both those who are inclined towards independence and those who are favourable to Morocco.

It should be mentioned that the Moroccan hosts, arguing reasons of security, were against this meeting taking place in the residences or headquarters of these groups. The Saharawi associations on their part, expressed that for them to hold the meetings in their own offices was a non-negotiable point, and that they would take responsibility and guarantee the safety of the delegates. Finally, the headquarters of the Observatory of the Rights of Women and Children (a private domicile) was the venue for the successive meetings with different groups that, through their specific work, promote the right to self-determination of the Saharawi people.

The coordination of the meetings was in the hands of a representative of the Saharawi Association for Defence against Serious Violations of Human Rights, an institution with official recognition and, as such, mentioned in the last Report of the UN Secretary-General.

To start with, the Mission listened to the intervention by the representative of families of victims of forced disappearances, who explained that there are still fifteen detainees whose whereabouts have been uncertain since 2005. Complaints to the judicial system had not achieved major results and there were doubts about the autopsies and forensic tests intended to clarify the facts. At the international level, the families had made their voices heard before the competent bodies of the United Nations in Geneva, but the situation remained unresolved.

Then, the Mission heard the case of the group that advocates for the rights of 21 persons who had remained in detention since before 2013. These detainees were considered to be political prisoners by the groups, given that they were detained while taking part in demonstrations within the context of the political struggle for self-determination. Their cases were lodged before the Military Court, without any apparent reason for this, and at that time there were several cases that had been in appeal for almost two years, a timeframe that was considered unreasonable under the basic right to a fair and just trial.

With regard to the care and preservation of the environment, the Mission listened to the presentation of a group that campaigns against Morocco's exploitation of the natural resources and wealth of the zone under dispute, basically the fisheries and phosphate deposits, in a manner it considers to be unfair and contrary to international law. Furthermore, the group denounced the proactive and dynamic policy of Morocco, a nation that had been developing new communities and settlements on the whole of Western Sahara with the objective of changing the demographic composition of the zone, conditioning in this way any future decision about its self-determination.

Later on, representatives and families of the so-called martyrs and those who disappeared in the war that lasted between 1975 and 1991, told the Mission about the many and constant obstacles they have faced until the present in order to obtain recognition of the deaths, return the mortal remains to their families and even to be able to carry out the necessary administrative procedures. Among other consequences, the fact that the Moroccan authorities did not know and were denying the situation was preventing the families and those left behind from grieving and prolonging their suffering day by day. On this point, the representative of the organisation pointed out that the National Council of Human Rights of Morocco had offered to integrate this and other groups into their office at regional level, a proposal that was firmly rejected by some of them. Nevertheless, even those who had initially accepted the initiative in good faith, had been disappointed very shortly afterwards and had decided to leave, because after seeing the internal functioning of this organisation they had concluded that it was a showcase that looked to minimize the permanent and massive violations of human rights suffered daily by the Saharawi people at the hands of the Moroccan authorities.

With regard to culture and heritage, the Mission was also able to listen to representatives who work in the field to safeguard and preserve the Saharawi identity, considered as a key element for a real possibility to achieve self-determination. The representative explained some of their actions aiming for the preservation of the historic memory and the Spanish language, the training of teachers and carrying out cultural and artistic activities. The speaker complained about retaliations and the absolute lack of means to carry out their work, contrasting this with the immense amount of resources available to Morocco, that were mobilised to organise festivals and other activities, which, in her opinion, would also be illegal and contrary to international order while the future of Western Sahara remained unsettled.

The Mission also had the opportunity to meet representatives of young Saharawi professionals who could not find jobs. As they explained, in their case the difficulty to find jobs was made worse because of their political choice in favour of self-determination for their people. The young Saharawi unemployed professionals also said to the Mission that in previous demonstrations on International Labour Day, 1 May, police repression could be observed that they considered unacceptable. That was the reason for their determination to focus their demands for the right to work as a fundamental social right within the political context experienced in Western Sahara.

The Saharawi Committee for the Defence of Self-Determination expressed to the Mission their rejection of the last resolution of the SC on Western Sahara because it made the victim equal to the perpetrator, which meant being on the side of the occupying power. The representatives also stressed their hopes that the Saharawi people would not lose patience at the situation of the conflict at that time, but they warned that among the youth they could detect a sense of unease at the continuation of the status quo, the lack of prospects and the

loss of legitimacy of the United Nations to solve the conflict in accordance with the principles that had been stated in their own resolutions along the years.

With respect to the situation of the media and freedom of expression in Western Sahara, official observers of the media told the Mission about the difficulties confronted daily by journalists who cover the self-determination issue. They added that there had been some cases of repression and restrictions to the freedom of expression, situations that had been dealt with discreetly, bringing to justice the allegations of the Moroccan prosecution. Nevertheless, they concluded, it was evident that a climate of restrictions to the freedom of expression and to the right of information existed.

The next speaker was the representative of the Saharawi Association of Defence of Serious Violations of Human Rights. In his intervention, the representative of the organisation gave the Mission a synthesis of the previous interventions. He once again thanked the Mission for its presence, and reminded it of the difficulties that had been faced in order to hold the meeting under normal conditions, in freedom and without constraints, as requested by the different actors of the Saharawi civil society. He highlighted that, after listening to the different interventions, it must be concluded that the Saharawi people were marginalised in diverse and important aspects of their daily life and that their rightful wishes for self-determination confronted constant obstacles and violations. The Saharawi activists used, he said, different means of resistance and expression, such as sit-ins and hunger strikes, like the ones that were taking place at the time in front of the regional headquarters of the Council of Human Rights. Despite the lack of means and the repression they experienced from the Moroccan authorities, he maintained that the Saharawi people were mobilised for the demands they believed to be legitimate and that, faced with the evident asymmetry of forces with Morocco, the monitoring of observers and international delegations, like the SI Mission, were fundamental.

Still in the headquarters of the Observatory, the Mission listened to the presentation of the representative of the group for the rights of women and children. The Mission was reminded that the conflict had lasted for forty years, a good part of this time happened during the armed conflict, and it was always the women and children, pillars of the Saharawi civil population, who were directly hit by the struggle. The wish of the Saharawi mothers was for their children not to repeat the scenario in which they were born, grew up and had lived. Nevertheless, this energy oriented towards peace had collided with restrictions, arrests, abuses and the ignorance by the Moroccan party of the longstanding demand. She reiterated that, apart from deprivation of liberty, arrests and detention in secret or clandestine places, irregular judicial procedures, and persecution for legitimate demands, Morocco at that time continued to segregate the Saharawi child population who were pushed towards assimilation or were stigmatised. She mentioned as an example, that Saharawi children and young people suffered permanent accusations in connection with drug consumption and trafficking, in circumstances in which their mothers would be aware that in many cases it was the Moroccan authorities themselves who facilitated and promoted access to drugs. To finish, she pointed out that though the Observatory had been recognised as an organisation since 2012, it had not been able to advance with the authorisation to constitute itself as a civil society organisation which could campaign for the rights of the Saharawi children, in spite of having requested the permits, which had been denied. They had tried to reverse the situation through all administrative and judicial channels without success.

For its last meeting with representatives of the Saharawi civil society, the Mission visited the headquarters of the Collective of Defenders of Saharawi Human Rights (CODESA), where they met with the Secretary General and other members of the leadership of the organisation. It



was explained that the group had experience in matters of data collection, complaints, juridical support at trial and relations with international bodies of Human Rights. Despite the obstacles encountered for their formal recognition by Morocco, CODESA had been working within a frame of contacts and international cooperation with experts of countries that had experienced processes of Transitional Justice. They were currently concentrating their efforts on this area in order to contribute to the construction of a post conflict end to the situations of serious and massive violations of human rights for almost 40 years. With respect to the Transitional Justice, the members of CODESA delivered to the Mission much information regarding complaints and situations they had investigated, on the one hand, and on how they thought they could in the future build the bodies that will recognise the victims of this long conflict, assign them reparations and give guarantees of non-repetition.

During their stay in Laayoune, the Mission had also the occasion to meet, in a separate gathering, with other civil society organisations, this time those who were favourable to Morocco. This meeting was held in the headquarters of the organisation called Sahara Reflexion Studies Centre, in the centre of the city.

The first speaker was Dahi Agnai, president of the Association of Disappeared in Polisario (ADPD), who delivered a letter (in Arabic) addressed to the SI and a series of documents with accusations of grave violations of human rights allegedly committed by the PF in the camps of Tindouf.

The next speaker was Sidi Hamada Labihi, who said he had recently returned from the camps in Tindouf, after having lived there almost all his life. According to him, the refugees who live in the camps would number some 60,000 to 70,000 people, which is much below the figure of 165,000 claimed by the PF. In any case, he said, the attitude of the PF lacked merit because it separated the Saharawis and did not offer any real perspective to that population. He considered that the PF and Algeria were the same thing, and it was Algeria who had the last word. He accused Algeria and the PF of violating the rights of the Saharawi refugees in Tindouf, who do not even possess documentation identifying them as refugees, which would require an appropriate record or census, which had not been carried out yet. Morocco was not “a country of angels”, he stated, but in comparison with their neighbours, they had greatly advanced in their social and economic development and in matters of human rights. To him, the only peaceful solution to the problem would consist in autonomy for the zone under Moroccan sovereignty, because it would be impossible to create a new state with a population of half a million people who would not be able to ensure their borders.

The president of the Sahara Centre for Studies and Research said that this is an NGO of recent creation, devoted to dismantling the propaganda of the PF and explaining the reasons why it is convenient for the Saharawis to be part of Morocco. She added that the Centre operated with groups of young Saharawis who followed the “national cause” of the integrity of Morocco. Among other activities, they publish daily information on the internet about what they consider is really happening in the Sahara.

Mohamed Bery said he was a “sheikh”, despite his youth. A graduate in political science, he considered himself an activist of human rights with socialist ideas. He alleged he had been a political prisoner. He said that the issue of the Sahara was a complex conflict, with several aspects, but the principal one had to do with democracy. In the last 15 years, Morocco had entered a new democratic stage, while Polisario instead ignored democracy because they were based on the armed struggle. The same thing was happening, according to him, with regard to human rights. Those who most suffered the consequences of the situation were the Saharawi

refugees who lived in very bad conditions under the rule of the PF. He highlighted the fact that Morocco had recently registered two Saharawi associations of defence of human rights that were critical of their policies, which demonstrated a spirit of openness.

To finish, a leader of the host organisation (Sahara Reflexion Studies Centre), only in existence from the same year and composed mainly of women, explained that recently they had organised a forum entitled "Forty years later", with the participation of experts and activists from different countries, trying to highlight "both the good and the bad" of what had happened during that period, the advances and realisations, as well as the failures and all that remained to be done in the territory.

At the end of its visit to Laayoune, the mission had the opportunity to meet with Mahyoub Saleck, former head of the Polisario Front. He explained to the mission the main reasons that led him to leave the movement - differences with the political line of the PF and the conditions prevailing in the Tindouf camps. He informed the mission that he had founded a political movement called "Jat Chahid" ("Line of the Martyr") abroad, which, among other things, calls for the deepening of negotiations with Morocco in the quest for greater autonomy in order to solve the current situation of the Saharawi people.

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After finalising their programme in Laayoune, the Mission flew to the city of Tindouf. It is important to remember that the land border between Morocco and Algeria is closed and to travel by land through the territories of Western Sahara is impossible due to the existence of a wall of a length of more than 2,500 kilometres which divides the Eastern and Western zones and to the extension of the mined areas in the region.

At their arrival in Tindouf on 7 May, the Mission was met by Mohamed Sidati, Saharawi Minister for relations with Europe, who hosted the delegation during their two-day stay in the zone of the camps.

The first activity on this third and last stage of their Mission, was to meet with Fatma Mehdi Hassam, General Secretary of the National Union of Saharawi Women, who began by expressing her satisfaction and gratitude to the SI and delegates for the realization of this Mission that had been agreed at the Congress in Cape Town and recalled in following SI Councils, especially in the one in Mexico City. In her opinion, the presence in situ of representatives of the organisation was the consequence and the necessary complement to the commitment and resolutions of the organisation with regard to the situation in Western Sahara. She added that the Mission would be able to see with their own eyes the difficult conditions of life in the refugee camps and in the Eastern provinces. She explained that the organisation under her leadership was composed of more than four hundred women delegates with two basic objectives: to strengthen the role of women in the struggle for Saharawi self-determination and the common aims of all movements that promote the rights of women. Their work was carried out at local and international levels. She provided the Mission with figures according to which in the Saharawi government at that time there were five women ministers, one for each of the five Wilayas or provinces that were headed by a woman; 31% of the members of parliament were women and in the municipalities ("dairas"), the percentage increased to 48%. With respect to the management of the international food assistance received in the camps zone, 75% of this was managed by women; in education, the presence of women reached 82% and in health, it was 62%. These figures, she affirmed, were proof of the empowerment of the Saharawi women. In any case, they would continue their

work to consolidate and advance the position of women, especially in the international field. She mentioned one of their priorities at that time was the empowerment of women in international cooperation with the Saharawi people and the initiatives of micro credit, of information and of culture. Regarding the Polisario Front, she said that there existed a law for a quota of 25% women at the different levels of representation, but she stressed that her wish was to reach beyond that point during the Polisario Front Congress which would take place at the end of the year.

She then made an evaluation of the prevailing political situation, saying that the general mood was especially low after the last United Nations resolution. Aside from the disappointment, she affirmed, there was a certain exhaustion felt by the Saharawi people and a demand to the Polisario Front not to accept waiting for another year to do something to advance the solution of the dispute. She expressed her concern at the feelings that could be observed especially among the youngest sectors of the population, due to the few advances achieved in almost 25 years since the agreed ceasefire under the auspices of the UN in 1991. Within this context, without wishing to be alarmist, she recognised that there were pressures from the Saharawi civil society for the Polisario Front to re-engage in an armed conflict, but she clarified that in any case, she did not like wars and in her family seven men had died during the hostilities that had taken place until 1991. Nevertheless, she said, the UN had put an end to the war in 1991, but were now gagging the demands for self-determination, which she considered unacceptable. For the same reasons, she felt that each day it was more and more difficult to continue with the wait and the status quo, a situation that also exerted strong pressure on the Polisario Front, as she had already said. The current proposals for ending the conflict, she said, were through autonomy, independence or territorial integration with Morocco. Any one of these three alternatives had to take into account the will and the self-determination of the Saharawi people.

On the morning of 8 May, the Mission attended a cultural event with children in a school of the locality of *27 de Febrero*. On that occasion, the Mission was able to share with the Saharawi population in the context of an activity that commemorated the Day of the Child. At this event the Mission met with the Minister of Culture (wife of the President of the PF and of the SADR), and with teachers, parents and students, as well as with some foreign guests. After the event, the Mission was invited to attend a show about Saharawi life and culture, the significance of what constitutes the Saharawi identity: their foods, typical games, music, the importance of the "jaimas" (shops), the camels and other domestic animals, the ritual of the preparation and serving of tea, etcetera.

Later on, at the headquarters of the Union of Saharawi Women, the Mission met with Said Filaly, President of the National Saharawi Commission for Human Rights, founded in 2014 which at that moment was holding its second General Assembly. Filaly began his intervention by explaining to the Mission the difficult conditions under which the institution he led, as well as all Saharawi public institutions and civil society, must carry out their daily work. In his opinion, we had to take into account that we were in a state living in exile and within the context of an international crisis still unresolved. The multiple and complex challenges of the Saharawi people were marked by this reality. He reported that the Commission he heads was of recent creation and composed of 33 Councillors, of whom 3 came from the diaspora, and was made up of lawyers, women, representatives of the civil society, of the Parliament and of the Consultative Council (composed of "chiuj" or traditional chiefs). The representatives came from the different provinces and there were even representatives from the occupied territories whose names were kept secret for security reasons. The organisation had different departments, those who worked on matters such as international law and human rights,

follow-up activities and elaboration of public policies in that field. Regarding the material resources and infrastructure, the President underlined that there were shortages, but that he expected that this would be overcome as the institution became more consolidated. In any case, in general terms, he maintained that the institution had an extensive knowledge of these matters and that their contacts with the civil society allowed them to represent the problems they heard to the official bodies. The work of the Commission had been presented in their annual Report, their first publication to date. With regard to the international cooperation to support the activities of the Commission, the President said that they had contacts and had carried out some actions with the United Nations High Commissioner for Human Rights, through their Department of Actions in the Field. Nevertheless, he confessed that some tensions and mistrust had arisen with the UN institutions of human rights, because there was some apprehension about the transmission of sensitive information to Morocco, which would have allowed that country to block some initiatives in Geneva. In spite of this, he concluded, on this matter they were aware of the importance of working with United Nations and with the International Committee of the Red Cross (ICRC).

With respect to his analysis of the contingent situation, Filaly maintained that the Saharawi people were in fact divided in three parts: those who lived in territories under occupation, those who lived in the liberated zones or in the camps and, finally, those who were in the diaspora. The themes of human rights had therefore to take into consideration this triple dimension. In the liberated zones, the human rights representatives were aware of who the interlocutor was: the authorities of the SADR. In the occupied zones, the struggle for human rights and, in the very first place, the demands for self-determination would be penalised. In his view, the dialogue with the Moroccan authorities was a waste of time and contravened international law because Morocco did not respect the individual and collective human rights and acted as a colonial power in the occupied territories. He added that in view of this, for many people at that time, the recourse to war would be legitimate and would appear to be the only valid option.

Next, the mission met for lunch with Mr. Enhamed Jadad, Polisario Front coordinator with MINURSO. The Saharawi official shared with the Mission the challenges that, in his opinion, are the main ones that the international community will have to face through the United Nations Mission in the future to help move forward in solving conflict. In his view, Resolution 2218 of the Security Council of last April did not move in the direction expected by the Saharawi people based on the legitimate expectations created in 2014 by the United Nations itself. Therefore, the Polisario Front will put forward the following basic objectives for this new year of the MINURSO mandate: progress in the referendum on self-determination, which is at the core of the Mission's mandate; and expansion of its mandate to the area of human rights, which, in its view, has not been achieved by the Moroccan opposition, although it was specifically requested by the African Union. The United Nations, it noted, must abandon its inertia regarding the situation and understand that a just, lasting and mutually acceptable solution necessarily entails the free determination of the Saharawi people and the referendum. Although it is long overdue and has yet to materialize, it is still the only legitimate solution to the ongoing decolonization process, unlike maintaining the status quo or acting as if the situation had already been settled, as Morocco seems to expect.

Afterwards, the Mission had the opportunity to meet the person in charge of MINURSO in Tindouf, Omar Bachir Manis, who has been in the zone for almost five years coordinating the actions of MINURSO in the zones east of the wall, including the camps of the Saharawi refugees. He reiterated the comment made before by the chief of Mission that they were going through a particularly difficult moment of the conflict in Western Sahara, a reason why

he considered that delegations like the one visiting the camps under the SI mandate on that day, should be seen by everybody as a positive sign of the commitment of the international community to find a solution to the conflict.

He recalled that the main mandate of MINURSO was, and continued to be, the preparation of the referendum for the self-determination of the Saharawi people, as well as the ceasefire and peace-keeping in the region. At that time, the concrete actions of MINURSO had to do with the clearing of mines, confidence-building measures (visits by families, organisation of seminars), ensuring the ceasefire and supporting the humanitarian actions in situ by the United Nations High Commissioner for Refugees (UNHCR). He reminded the Mission that the job of clearing the mines was made especially difficult by the lack of precision of where these explosives were located because many of them had been placed many years prior. He also recalled that the eastern and western territories of the zone in dispute were separated by a wall nearly 2,700 kilometres long with a strong Moroccan military guard, as well as the extensive mined areas already mentioned. In fact, MINURSO was the principal, if not the only, exponent of the international community in the field, and among their diverse missions was that of keeping the ambassador Christopher Ross, special envoy of the UN Secretary-General for Western Sahara, duly informed. In his opinion, the scope of the challenges faced by MINURSO depended in great measure on the way in which his mandate was understood. According to Morocco, the Mission should now have almost as its exclusive remit the observance of the ceasefire agreed in 1991; for the Saharawi people and the Polisario Front, the mandate of MINURSO should be much wider, including the preparation of the referendum on self-determination. This different appreciation of the mandate was at the root of the daily tensions confronted by the Mission: the Moroccan part considered that MINURSO was inclined to exceed its functions and the Polisario Front believed that they do not do all that they should do. He explained that, although the mandate did not include matters of human rights, in practice and in the field, MINURSO did deal with the monitoring of the situation; this action was coordinated with the High Commissioner for Human Rights, who has a general mandate of giving protection and, in this way determined how it worked in the area. He also maintained, contrary to comments previously received by the delegation, mainly in its meetings with the Moroccan party, that in the camps of the zone of Tindouf there was, from MINURSO and other international agencies present in the zone, full and free access for the Saharawi population. The refugees, he added, were free to approach the UN officials or they could send anonymous claims through mechanisms especially designed to that effect. Of those claims, both anonymous or direct, he said that they received demands on a daily basis concerning economic and social rights, like for example, the unemployment situation in the camps; but in the five years he had been in Tindouf, he pointed out, he had not received any complaints of serious violations to human rights. Furthermore, he informed the Mission that MINURSO had access to the Saharawi detention centres, where people who have been previously detained by police authorities and then were brought to justice serve sentences for common offences. He pointed out that many conflicts were also resolved in accordance with old norms and modalities, but he reiterated that in the camps there were no situations of serious violations of human rights, which was also confirmed in a recent report (at the end 2014) by Human Rights Watch.

Regarding the dynamic of the conflict, he observed that the logic of recent years had been, "if one party was doing well, the other part felt that for them it was going badly." It was for this reason that the current moment felt particularly difficult: after the report of the UN Secretary-General and the Security Council resolution of 2014, optimism had spread among the Polisario Front and the Saharawi people, while on the Moroccan side these had the opposite effect. For their part, both the report and the resolution of 2015 were regarded as a new advance for Morocco. The Polisario Front understood the UN position in 2014 as a clear message to

consider this conflict as a decolonisation case still pending a solution, and a call to respect the human rights of the Saharawi people as well as the respect of their rights to exploit the natural resources of the zone. By contrast, the Saharawis now felt that they had been betrayed by the UN. The Saharawi media had silenced the last Report of the SG and the resolution of the SC in a manoeuvre by the Polisario Front to avoid deepening the sense of disappointment among their people, to gain time and to advocate at the United Nations the indispensable equal treatment between the two parties internationally recognised as actors in the conflict of Western Sahara. As an example, he mentioned some of the things that Polisario Front considered to be “unequal treatment”: the seals on the passports of the United Nations officials in the zone under Moroccan control; the Moroccan number plates for the MINURSO vehicles made by the Moroccan authorities, which they see as signs of an illegal attempt to exercise sovereignty over a territory under dispute (an action that is not repeated or is observed in the camps on the eastern side of the wall, where those same vehicles have UN number plates), or the complaints about difficulties and impediments to enter UN buildings and offices in New York or Geneva. In the opinion of the Polisario Front, he explained, the equal treatment of the parties to the conflict emanated from the legal status of the territory in conflict in accordance with international law.

In addition, the Polisario Front felt disappointment at the poor reception granted at the United Nations to the former president of Mozambique, Joaquim Chissano, special envoy of the African Union for the conflict, a point that was particularly sensitive given that MINURSO, this United Nations Mission, had been founded with the support of the African Union. He added that even before the Secretary-General’s Report of this year, signs of concern could be observed at the living conditions of the Saharawi people due to the decline of the social-economic situation, the level of unemployment and the lack of expectations among the youth; situations that had also been of deep concern for the Polisario Front. In his opinion, Polisario continued to be the reliable counterpart for the international community to advance a solution to the dispute and he expressed his apprehension in light of its possible weakening, if the current situation of paralysis and indecision in the process continued.

After the meeting with the representative of MINURSO, the Mission visited the Museum of the Resistance, which displays the origins of the Saharawi demands even during the period of Spanish domination, the creation of the Polisario Front, war materials and documents of a diverse nature from the period of the armed conflict, and maps and models representing the wall, the reclaimed territories, liberated areas, mined zones, provinces and camps, among other pieces representative of the history of Western Sahara during the last half century. In this place, which is a military museum under the direction of officers of the Saharawi Army in active service, the Mission also heard commentaries about an eventual restart of hostilities if the scenario of the negotiations for the referendum and self-determination continued to suffer the current blockade.

Afterwards, the Mission visited the offices of the Association of Families of Saharawi Prisoners and Disappeared (AFAPREDESA). In this place the Mission watched a video showing the repression, violence and excessive use of force by the Moroccan police, which have been inflicted on the Saharawi population living in the zone under Moroccan control during recent years after demonstrations in favour of their right to self-determination. The Secretary-General of the Association considered significant the recent decision of a Spanish judge to bring to justice eleven Moroccan citizens as presumed responsible for acts constitutive of genocide and other serious crimes committed against the Saharawi population between 1975 and 1991. As he highlighted, the Saharawi human rights groups who had supported this judicial action, would be interested today in increasing the number of the accused and the cases open

in instances of violence against their people. With respect to the activity of MINURSO, in the opinion of the leader of AFAPREDESA there was disappointment at their low level of involvement in matters of human rights and their inability to advance in the organisation and realisation of the referendum. Furthermore, in his opinion, the International Red Cross did not have an active presence in Western Sahara, which according to him, left the supervision of the observance of human rights and of Humanitarian International Law in Western Sahara in a situation of greater vulnerability than that which exists, for instance, in the Palestinian Territories. To this, he said, must be added the uncertainty that existed about the internationally recognised authority for the administration of the territory while the matter of self-determination remained unresolved. The material deprivation suffered by the Saharawi people also needed to be taken into account because the international assistance to the territories was around 40 million US dollars per year, while the operating costs of MINURSO were more than double that figure. He also mentioned the Report of 2014, where it was pointed out that in the camps of Tindouf there were no political prisoners, no torture and no serious violations of human rights. His organisation, he added, had accumulated 26 years of experience since the beginning of the complaints and investigations after the first cases of forced disappearances for political reasons. In addition, to that day, they were active in the monitoring of complaints of arbitrary arrests in the occupied territories. Regarding the international contacts, he said that his Association had had access to the Human Rights Council in Geneva. At a regional level, he highlighted his participation in the so-called Maghrebi Social Forum, an organisation where they had met and established dialogue with similar Moroccan associations. Nevertheless, he pointed out that these contact institutions proved difficult and also insufficient at that moment in time to advance a stagnant political dialogue.

During the afternoon, the Mission had the possibility to dine with the civil service minister of the SADR, who thanked the Mission for its visit and mentioned the links that unite the Saharawi people with the nations and continents of origin of the members of the SI delegation. She explained that the portfolio she was in charge of was new and covered the human resources dimension for the building of Western Sahara, emphasising the importance of professional training, the civil service career path and the public service in the SADR. She explained that since 1976 this question had been at the centre of the national project and that in 1984 the first centres of professional training in the camps were formally created. As of 2011 this initiative had been given ministerial status, with three strands of action: professional training from 17 years of age, sectoral training oriented towards job placement in some specific public service, and continual training, re-cycling and parallel skills. At that time there were 36 training centres in the five wilayas or provinces, functioning under a semi-residential regime. With regard to the institutional and policy response for the development of this initiative, she pointed out that they had administrative statutes, which were constantly revised and updated. In a sense, according to her, the challenges of the civil service ministry were of an inter-ministerial nature and they operated taking account of the intersection of all the Saharawi institutionalism. They managed the data, the background and database with the background of the graduates from the professional training centres and universities; they handled the public job applications and the reintegration of professionals who come back from abroad. The minister, in her exchanges with the Mission, insisted that the living conditions in the camps were difficult and that the level of the remunerations was often symbolic if compared with that of other nations of the region; nevertheless, in her opinion, the important thing was to underline the existence of a public institutionalism in spite of all the difficulties they confronted, as well as the commitment and training of the Saharawi civil service, which gives viability and continuity to the Saharawi State project.

On the morning of 9 May, the Mission went to the Wilaya of Auserd, where they met the governor of the province, Salek Baba Hasana, who had for 16 years been the minister of cooperation of the SADR. The governor explained that the name of the province and the other four (El Aaiun, Smara, Dajla and Bojador) had been taken from the names of cities located in the occupied territories. His province has around 35,000 inhabitants and is divided in six "dairas" or municipalities. He referred to the organisation of the Saharawi social and political life in Councils at different levels, which ensured the democratic participation of the people in many diverse matters of public interest. At the same time, he pointed out that the different central ministries had a territorial presence in the provinces at the level of the dairas, with the objective of implementing and following up the governmental programme, which had also been endorsed by parliament at the level of the territories. This design, he concluded, at the level of the five provinces is headed by a Wali or governor, a function that he served in Auserd. In the dairas of each one of the provinces, he added, there were nurseries and schools and in that way they ensured the education from infants to secondary school; as for healthcare, they had provincial hospitals with a network of clinics in each one of the dairas, as well as courts of justice; they had representatives in parliament and sessions of parliamentary control every year. He affirmed that the presence of the SI was very important for the Saharawi people at that moment, when the illegal occupation of Western Sahara by Morocco appeared to ignore that the situation looks like an unfinished decolonisation process, similar to that seen in Timor-Leste in recent years, and he hoped that with the support of bodies with which they shared their values, it would be possible to return to the respect of international law, its principles and the respect to its decision-making authorities.

Afterwards, still in Auserd, the Mission took part in a meeting with hundreds of Saharawi citizens, where they listened to the interventions of the governor himself, of representatives of the Saharawi Workers General Union (UGT) and other speakers from civil society. The ideas expressed in the different interventions insisted on the sovereign right to self-determination and the rejection of the Moroccan attitude that ignores this, as well as diverse complaints about the daily difficulties that the Saharawi people had suffered for 40 years as product of the unresolved conflict between both parties. During the meeting, the delegates Juan Antonio Yáñez, Mustapha Ben Jaafar and Adelia de Carvalho expressed their greetings to the participants, explaining the objective of the Mission and reiterating the SI commitment to the advancement of a political solution of the dispute, in accordance with the principles and decisions of the United Nations.

Immediately after, the Mission went to a Saharawi Youth community centre in the province of Auserd. In that place, the young people highlighted that it was the first time that they had been in a meeting of this kind, and they could only give their thanks and ask the Mission to listen to the position and ideas of the Saharawi youth and afterwards report them to the appropriate authorities. In the following interventions, more than ten young people took part in an active dialogue with the Mission, from which we can highlight the following points: all of them represented a young person who was born in exile, the majority of which in the time when the hostilities between the Polisario Front and Morocco had ceased, this is to say after 1991; the latest developments of the negotiating process and particularly the latest reactions of the United Nations with regard to the situation, had been strongly criticised by the Saharawi youth, opening once again the possibility of a renewal of the armed conflict as a way to settle the conflict of Western Sahara; while the situation remained blocked and shows no advancement whatsoever, the Saharawi youth considered the daily violations of human rights in the occupied territories and the illegal exploitation by Morocco and other foreign powers of the natural resources unacceptable, in contravention of the report and the recommendations



of only some years ago, formulated by the Legal Adviser to the UN Secretary-General, Hans Corell.

The General Secretary of the National Council of the Saharawi Youth, Zein Sidahmed, underlined that in opinion of the youth, the solution to the conflict was being postponed year after year, which only worsened the living conditions and the expectations of all his people. Therefore, it was not strange to see the tension felt and the reappearance of warmongers; he also expressed his disappointment at the position of big powers like France, which seemed to have resolutely embraced the Moroccan side, ignoring the fact that the conflict was still awaiting a solution before the international community. All these considerations, he concluded, were reasons why the youth found that having faith in peaceful means was increasingly difficult to maintain each day, and why many were questioning the usefulness of the UN Mission in the Sahara, which was not fulfilling the purpose for which it had been created.

After these meetings with the Saharawi people of Auserd and before returning to Rabuni, the Mission had the opportunity to make a visit to the Wilaya of Smara, considered to be the biggest of the five provinces, with a population of around 45,000 inhabitants.

Returning to the guesthouse in Rabuni, the Mission held a meeting with the representative of UNHCR in the camps, Isabel Sellés, who explained the activities in support of the refugees that they undertake in situ. The Mission, she explained, has a permanent staff of nearly 40 people, plus volunteers from NGOs and some thirty young women who provide assistance to the work of the Mission. She explained about the manner in which the UNHCR coordinated with the World Food Programme to ensure the correct and timely distribution of the humanitarian aid. She stressed that, in her experience, in the camps there were no violations of human rights or restrictions to the freedom of movement that many times were denounced based on self-interests. The Mission, for example, conducted unrestricted visits to judicial centres and jails in the camps and also organised periodic visits of diplomats from different donor countries based in Algiers, for them to get better acquainted with the living conditions of the Saharawi refugees, the existing needs and the way in which the humanitarian aid was distributed in situ; these visits did not encounter any restrictions whatsoever. At the same time, she said that the accusations regarding utilisation, illegal enrichment and misuse of humanitarian aid, should be disregarded. She emphasised the difficulties currently faced by the so-called confidence-building measures, a situation which was again representative of the ongoing difficulties that affected the process. In her opinion, as had been expressed by the head of MINURSO, the risk of a forgotten operation, apart from the local impact, also had an international repercussion concerning the obtaining of resources, for example. Nevertheless, according to her, the support given by the international community to the camps was always necessary and made absolute sense. When she was asked for the number of refugees who receive international aid, she answered that the UNHCR, in cooperation with the WFP, planned assistance for 90,000 people each year, adding a margin of up to 35,000 more rations, taking into account special situations like pregnant or nursing women and people in special vulnerable conditions due to disease or old age, etc.

Afterwards, the Mission went to the seat of the Saharawi National Council (Parliament) to interview its President, Jatri Adouh, who had also chaired the Saharawi delegation in the most recent meetings of the process of dialogue between the parties to the conflict, under the auspices of the United Nations. On this occasion, the President underlined that the struggle of the Saharawi people was legal and backed by international law. He also expressed his satisfaction at the visit of the SI Mission and stressed that the organisation had been a

constant reference for the Saharawi people and for its leaders with respect to the demands for self-determination and respect of international order. The solution to the problem of Western Sahara, he continued, would not be achieved by silencing or excluding one of the parties to the conflict and he clarified that any proposal that did not value the consultation of the Saharawi people would not be viable. Morocco, he added, had searched by different means to advance unilaterally in a solution to the conflict but it had failed. It was for this reason that Hassan II had become convinced of the need for a consultation and the deviation from that line after his death had to be considered a mistake. He admitted that between the years 1991 and 1999 much time and energy were wasted in discussions about the implementation of the referendum; nevertheless, the line of negotiation had been correct. By contrast, between the years 1999 and 2015, the waste of time had continued and, moreover, the route had been lost.

In his opinion, the autonomy proposed by Rabat in 2007, considered as the only solution by Morocco, was not a real solution. The only solution, he reiterated, was through the completion of the consultation. In this consultation, he added, the option for autonomy proposed by Morocco could be included, but it would be inevitable to also ask about independence. If this possibility were denied, the right to self-determination of the Saharawi people, he said, would be ignored. In his view, the problem for the proposal of autonomy was that for its authors the starting point was that Western Sahara was already Moroccan, which did not correspond to the perspective of international law. He again quoted the case of Timor-Leste as a recent example of a similar nature, in which the international community could play a decisive role to resolve the conflict in an adequate manner. For the Saharawi officials, he said, all the options for a consultation were negotiable, even though he pointed out that he considered the idea of autonomy neither clear nor compatible with the Moroccan political regime. The only thing that was not for negotiation was the right to self-determination of the Saharawi people.

Referring to the dangers, he expressed that maintaining the current situation involves important risks. With every day that passed it became more difficult to maintain the status quo and the situation would continue to deteriorate on a daily basis if there was no advancement in the negotiating process. The Saharawis at that moment saw two possible outcomes: either the international community would intervene decisively to precipitate the advancement of the situation, or there would be a return to the armed conflict, which was particularly delicate in an unstable Maghrebi region due to the cases of Mali, Libya and others. Referring to the confidence-building measures, he underlined that in his opinion these should begin with the dismantling of the wall, the end of repression in the occupied territories, the end of the military trials of detainees for political reasons, the full respect of human rights and the end of the over-exploitation of natural resources in Western Sahara; these, according to him, would be the kind of measures that could really return the trust between the parties and support the negotiation process.

Finally, regarding the institution-building of the Saharawi State, the president explained that since 1995 great advances had been made in the building of clear public powers, with a separation of functions, a constitution, the enshrining of rights and their guarantee. The Parliament, currently in its Ninth Legislature, is composed of 53 members elected by direct vote and with guarantees for the representation of some organisations such as those of women, youth and workers. The parliamentary mandate lasts for four years and the Parliament, apart from its classic legislative function, has the responsibility to evaluate the government and its programme every year, operating as a tool of control of the actions of the executive. Seventy per cent of the members in the current Chamber were people younger than 40 years of age. More than half of the parliamentarians were young people with professional

degrees, and 22% of them were women. The Parliament was organised in seven thematic Commissions and the next general election would take place at the end of the present year, he explained. In his view, the pluralism of Saharawi public opinion was expressed in those elections and was reflected in the parliamentary debates, although the articulation of that pluralism in different political parties could only be possible in a normalised situation once the Saharawi people were able to exercise their right to self-determination.

In their final activity in the camps of Tindouf, the Mission members had a dinner meeting on Saturday 9 May with the Political Coordinator of the Polisario Front and with the President of the Saharawi Red Crescent, who informed the Mission about the difficult conditions under which the humanitarian support is offered in the camps, reiterating the expression of the “forgotten conflict”, and emphasising the fact that the humanitarian assistance is an internationally recognised right and not a handout from the international community or the donors. In his opinion, the operations of humanitarian support in general were of an exceptional nature and were not intended to be perpetuated in time, a fact to which the reality of the camps and their existence for nearly 40 years, had given the lie. The situations such as chronic infant malnutrition, chronic anaemia in pregnant and nursing women and others, were challenges that would become more serious without humanitarian support. In any case, concluded the representative of the Red Crescent, the challenge of Western Sahara required a political solution more than of a humanitarian one.

For his part, the Political Coordinator of the Polisario Front examined with the SI Mission the latest developments of the conflict and its perspectives. In his opinion, the Mission had witnessed during its visit to the territories that the Saharawi people in exile had not wasted time in lamentations but started to forge a real institutionalism and a State, especially after the ceasefire in 1991. This creation was especially interesting because it originated from Popular Councils, with significant citizen participation. He also recognised the difficulties of the current moment, the disaffection at the latest moves of the United Nations and the threat of a reactivation of the conflict. All of this was compounded by the pressures that the Saharawi people were inflicting upon the Polisario Front. He commented that the hypothesis of a referendum including the option for autonomy, as well as the option for independence and the option of the incorporation of Western Sahara into Morocco, seemed curious to him for many reasons, among which he mentioned the vague definition of what was to be understood by *autonomy*. Nevertheless, he said that the Polisario Front was willing to accept the inclusion of that formula if Morocco, for its part, agreed to incorporate the option of independence in the consultation.

He also stressed that the 14<sup>th</sup> Congress of the Polisario Front will meet at the end of this year in Tifariti, in the liberated territories east of the wall. There will be a broad discussion at the PF Congress of the political course of action to be taken by the Polisario Front over the coming years and the leadership that will implement it. Amongst other things, he stated that the Congress will discuss the relationship with the United Nations. The preparatory work for this Congress is underway and political actors and members of Sahrawi civil society that the Mission had the opportunity to meet are taking part.

He thanked the Mission once again for their visit and expressed the hope that they could convey to the SI what they were able to observe in situ during their week of travelling and meetings. The reality of the camps was hard, but it was also hard for the Saharawis who lived in the territories occupied by Morocco, even though the Kingdom had mobilised big resources for the development of the area. He recalled again the sentence that he attributed to Hassan II, who, when convinced of the need to have a referendum on self-determination as the only

solution for the conflict in Western Sahara, was to have said that his achievements were limited to the conquest and control of the territories, but not of the hearts of the Saharawi people.

The members of the Mission ended their visit to Tindouf in the early hours of Sunday 10. During the flight and in the morning of that day, the members made a preliminary assessment of the Mission and agreed on the procedure and practical aspects to advance in the preparation of the present report.

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## **5.- Evaluation and conclusions**

Following the SI's visit to the region and the interviews conducted with representatives of both parties – Morocco and the Polisario Front – as well as civil society actors on both sides and the local representatives of the international organisations involved, the mission has come to the following conclusions:

1. It must be stressed first of all that the current state of the conflict can be described as a stalemate, or even paralysis, and there is no prospect of change in the status quo given the great distance between the positions of the parties and the growing difficulties the UN faces in accomplishing its mandate in this matter, both in the field and at the diplomatic level.

2. The unresolved conflict in Western Sahara, which has led to the displacement and exile of populations and also persistent regional tensions, has now lasted more than four decades without any prospect of a negotiated solution in the foreseeable future, despite the UN's efforts. The overall impression is that of an issue that has been put on the back burner by the international community, more especially since the end of the "hot" conflict with the ceasefire of 1991, a ceasefire that still holds a quarter of a century later, thanks to the restraint shown by the two sides and the vigilance of the MINURSO. It should be remembered, however, that the ceasefire was but one element in an overall plan put forward by the UN (and the OAU, as then was) and accepted by the two parties; this was intended to bring about a definitive settlement of the conflict that would lead to the conclusion of the decolonization process by means of a referendum in which the people of the Territory would decide on their future.

3. At the same time, in its meetings with members of the indigenous population on both sides, the SI mission gained the strong sense that the people of Western Sahara, whatever might be their current allegiance or their preferences as regards the final status of the Territory, were very greatly concerned to re-establish contact with family members separated by the conflict, to find themselves together again after a long separation and to return to a more or less normal life such as is enjoyed by the populations of neighbouring countries.

4. All this means that many people, especially in the refugee camps near Tindouf, are coming to feel that, as reflected in the protest movements that have characterized the last 40 years, the status quo cannot be maintained. Having only ever known exile, difficult material circumstances, and a lack of clear prospects, either individually or collectively, younger generations in particular are impatient, demanding of both their own leaders and of the international community that decisions be made. If these demands do not find an adequate response by peaceful means, it is to be feared that this growing impatience may seek

expression through more risky or even frankly dangerous channels, given the regional situation increasingly under threat by jihadist terrorism.

5. It should be kept in mind that we are coming up to the successive anniversaries of a series of events that took place in Western Sahara and its environs nearly forty years ago; and that in 2016 it will be a quarter of a century since the adoption of the Settlement Plan that established the ceasefire and the UN resolution that created the MINURSO. It will be on both sides an occasion to look back on victories and defeats, and also, very likely, an opportunity to highlight the positions and aspirations of the two parties, with a serious risk of leaning towards violence, rather than to prepare people's minds for the compromise required for a political settlement of the question by peaceful means.

6. The peace process led by the United Nations, whose most recent stage dates from 2007, seems to be losing momentum and unable to end the stalemate. For the moment, it would seem that the only thing agreed on by all parties involved, whether in the region or within the international organisations, is the need to keep the process alive, even if by means of "assisted respiration", simply because the alternatives seem more risky or indeed dangerous.

7. This sense of exhaustion or paralysis seems to extend to the other activities conducted in parallel by the international institutions, such as the provision of humanitarian assistance to Sahrawi refugees in the camps near Tindouf or the implementation of confidence-building measures (such as the family exchange visit programme or the seminars bringing together civil society actors), whose funding is dwindling due to "donor fatigue" and which are undermined by persistent disagreements over implementation among the parties.

8. In the meantime, the whole of the neighbouring region (the Maghreb and the Western Sahel) has seen very worrying developments with the proliferation of illicit trafficking, terrorism, piracy and rampant instability, not to mention the failure of the efforts at regional integration and inter-regional cooperation which at one point, especially in the years 1988 and 1989 which were dates of the proclamation of the AMU, there existed an atmosphere of greater détente which generated a sense of hope for change and progress among the peoples of the region. It cannot be said that the question of the Western Sahara is at the root of these problems, far from it, but it seems clear that the continuation of conflict without any prospect of a solution represents an obstacle to regional integration and to the efforts to confront these threats in a more coordinated and efficient way in circumstances in which the very Sahrawis suffer the consequences of the deteriorating situation in the region.

9. On both sides, the SI mission has noted the existence of more or less serious human rights problems, as well as the development of a network of non-governmental organisations – not always recognized or listened to – devoted to promoting and defending individual and collective rights. The respective authorities have begun to take the legislative and administrative measures allowing them to receive complaints and attempt to resolve the problems. Yet these endeavours remain at a rudimentary stage and much remains to be done, in cooperation with and with the assistance of the competent international institutions. In any event, these measures, significant as they are, can in no way replace sustained monitoring by an independent and impartial international mechanism, as signalled in the last report of the UN Secretary-General.

10. Taking into account the concerns expressed regarding exploitation of the natural resources of Western Sahara, the mission cannot but recall, as has the Secretary-General of the United

Nations, that in this area "the interests of the inhabitants the territory are above everything else" under the provisions of Article 73 of the Charter of the United Nations.

11. A new factor in developments is the current change in Morocco's policy on the management of the territory, in terms of administration, finance and economy. In the context of a wider reform of the Kingdom's territorial administration known as "advanced regionalisation", it is intended that the new regions will assume increased responsibilities that will be exercised by elected authorities enjoying greater autonomy and own resources. However, the definitive text of the constitutional legislation effecting advance regionalisation is yet to be established, being still under discussion in parliament, even though regional elections are intended to be held this year. These developments tend to lend credibility to Moroccan plans for an autonomous status for the Sahara. This reform risks generating tensions if it does not subscribe to a concerted process that encapsulates the singularity of the Western Sahara and involves all the parties concerned, without exclusions.

12. In any event, it is clear that to enjoy legitimacy in accordance with the relevant international instruments and resolutions, any formula that may be agreed between the parties, whether offering one option or more, and in particular in regard to the right to self-determination, will have to be submitted to the people of Western Sahara in a referendum organised under the auspices of the United Nations that allows for the communication of information, for debate and for procedural scrutiny, and with all the guarantees of democracy.

#### **6.-Suggestions and recommendations**

In consequence, the SI mission believes that in order to deal with the current situation regarding Western Sahara in a responsible, constructive and effective manner, it will be necessary to take initiatives and make proposals as follows:

1 .In the first place, it is important that the international community resists the temptation to neglect the issue and mobilizes in more determined fashion to find a just and lasting solution to the question, helping the parties to find their way to a political compromise on the basis of the principles embodied in the United Nations Charter and the relevant Security Council resolutions.

2. This may require the personal involvement of the UN Secretary-General himself to revive a bogged-down peace process that has now reached a stalemate that would appear inescapable if no extraordinary effort is made to push it forward.

3. At the same time, the situation calls for exercise of preventive diplomacy with regard to both parties to avoid the sensitive period that opens in the next few months giving rise to ill-considered actions or other incidents that may have imponderable consequences.

4. The activity of the Secretary-General and his Personal Envoy needs to be more strongly and visibly supported by the Security Council and in particular by the Group of Friends of Western Sahara.

5. The neighbouring countries (Algeria and Mauritania) need to be involved in these efforts, for it is in their own interest to do everything possible to ensure that the situation does not deteriorate and that, on the contrary, the question of Western Sahara finally finds a means of

peaceful solution and the Maghreb region thus returns to the path of cooperation and integration, so as to respond together to the challenges of security and development.

6. With the prospect of new international dynamics the AMU itself, now paralyzed, might play an interesting and effective role in bringing closer the views of the parties to the conflict. No proposed solution stands a chance if it is not accepted by the parties; neither of them would accept being perceived as a loser. In the pursuit of a "win-win" option, the AMU could make proposals that are not being discussed at this time, such as progress in the construction of a Maghreb-scale federal scenario, which might represent a positive outcome for all.

7. In this context, it will be necessary to take up the AU's offer of re-engagement in diplomatic efforts to find a peaceful way out of the status quo. The AU ought to be able to play a constructive role in the quest for a resolution to the conflict, just as Morocco should be able to return quite naturally to its place within the AU.

8. As regards the peace process as such, it is clear that the parties, having committed themselves to negotiations within the framework of the UN resolutions, have to conduct themselves in such a way that negotiations are meaningful, if agreement is to be reached on a just and lasting solution to the conflict. Obviously, this does not happen when each party insists on its own position, refusing to envisage the possibility of changing it to afford reasonable accommodation to the requirements of the other party.

9. It is for the UN Secretary-General and his Personal Envoy to play to the full the mediating role entrusted to them by the Security Council, assisting the parties and encouraging them to explore viable alternatives based on but not tied to the parties' policy positions, and this within the framework laid down by the United Nations.

10. Both the preventive diplomacy referred to earlier and the peace process itself must be accompanied by complementary actions on the part of the international community in the way of provision of humanitarian assistance to Sahrawi refugees (which needs to be maintained or even increased if their needs are to be met and improved in its efficiency by conducting a registration or census), confidence-building measures (which need to be re-established and further developed in close contact with the parties) and human rights monitoring on both sides (to be carried out by periodic *ad hoc* missions organised by the UN High Commissioner for Human Rights, given that this was not a responsibility imposed on MINURSO by the Security Council).

11. In the meantime, the two parties must respect the roles played by MINURSO and other international organisations carrying out functions on behalf of the international community, according them freedom of movement and free access to all persons or organisations who might be able to assist them in the execution of their tasks.

12. Progress and peace in the area require strengthened confidence-building measures in Western Sahara, inter alia by promoting various logistical arrangements and practices that promote sustained contacts between Sahrawi populations that reside on both sides, including the continuation of demining and other campaigns to facilitate transit through the defensive wall and fortified areas, with the support and backing of the United Nations.

13. Furthermore, the international community must firmly support MINURSO in fulfilling its core mandate: the referendum whereby the Saharawi people would express their right to self-determination, which constitutes and is until now the only legitimate way to settle the conflict.

14. The SI must continue paying attention to the situation in Western Sahara. The organization at all levels and in all its activities should persist in its commitment to finding a political solution to the conflict as the only valid and possible solution. Specifically, this message should be kept in force and reinforced among the new generations and the most vulnerable sectors. SI work toward these goals and the relationship with its member parties on both sides could be favored by strengthening the contact group set up within the Mediterranean Committee, which includes the SI parties most directly involved, as a space for dialogue and shared reflection on the question of Western Sahara.

15 Finally, the SI could go to the relevant bodies of the United Nations and its system of international organisations, and to other concerned organisations, expressing its point of view on the Western Sahara question, making clear its interest in following developments, and insisting on the need for the international community to act in a constructive and determined fashion if a just and lasting solution is to be found in conformity with the framework established by the United Nations.

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